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LEGISLATIVE HISTORY

Public Law 488--77th Congress

Chapter 164--2d Session

H. R. 4648

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DIGEST OF PUBLIC LAW 488

FLOOD CONTROL UNDER WHEELER-CASE WATER CONSERVATION AND UTILITY PROJECTS. Amends the Wheeler-Case Act, which authorizes appropriations for water conservation and utility projects, so as to provide that not more than \$500,000 of the cost of a project may be allocated to flood control. Under previous law the total cost limit for such a project was \$1,000,000 to be divided among irrigation, water power, flood control, etc., but any part of the total could be allocated to flood control.

INDEX AND SUMMARY OF HISTORY OF H. R. 4648

May 5, 1941	S. 1441 was introduced by Senator Butler and was referred to the Senate Committee on Irrigation and Reclamation. Print of the bill as introduced. (Companion bill).
	H. R. 4648 was introduced by Rep. Curtis and was referred to the House Committee on Irrigation and Reclamation. Print of the bill as introduced.
November 24, 1941	House Committee reported H. R. 4648 with an amendment. House Report 1447. Print of the bill as reported.
December 15, 1941	H. R. 4648 debated in the House.
January 19, 1942	H. R. 4648 was debated in the House and passed as reported.
January 20, 1942	H. R. 4648 was referred to the Senate Committee on Irrigation and Reclamation. Print of the bill as referred.
February 13, 1942	Senate Committee reported S. 1441 with amendments. Senate Report 1085. Print of the bill as reported.
February 14, 1942	Program for Water Conservation and Utilization. Senate Document No. 18.
February 26, 1942	Senate discussed and passed H. R. 4648 as referred to the Senate Committee. S. 1441 was indefinitely postponed.
March 7, 1942	Approved. Public Law 488.

May 5

77TH CONGRESS
1ST SESSION

S. 1441



IN THE SENATE OF THE UNITED STATES

MAY 5, 1941

Mr. BUTLER introduced the following bill; which was read twice and referred to the Committee on Irrigation and Reclamation

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act authorizing
4 construction of water conservation and utilization projects
5 in the Great Plains and arid and semiarid areas of the United
6 States", approved August 11, 1939 (53 Stat. 1418), as
7 amended by the Act of October 14, 1940 (54 Stat. 1119),
8 is hereby amended so as to strike out the period at the end

1 of the section, adding a comma and the following language:
 2 “and that expenditures from appropriations made directly
 3 pursuant to the authority contained in section 12 (1) to
 4 meet costs allocated to flood control upon recommendation of
 5 the Chief of Engineers, War Department, shall not exceed
 6 \$500,000 on any one project.”

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled “An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States”, as amended by the Act of October 14, 1940 (54 Stat. 1119).

By Mr. BUTLER

MAY 5, 1941

Read twice and referred to the Committee on
 Irrigation and Reclamation

77TH CONGRESS
1ST SESSION

H. R. 4648

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1941

Mr. CURTIS introduced the following bill; which was referred to the Committee on Irrigation and Reclamation

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act authorizing
4 construction of water conservation and utilization projects in
5 the Great Plains and arid and semiarid areas of the United
6 States", approved August 11, 1939 (53 Stat. 1418), as
7 amended by the Act of October 14, 1940 (54 Stat. 1119),
8 is hereby amended so as to strike out the period at the end of

1 the section, adding a comma, and the following language:
 2 “and that expenditures from appropriations made directly
 3 pursuant to the authority contained in section 12 (1) to meet
 4 costs allocated to flood control upon recommendation of the
 5 Chief of Engineers, War Department, shall not exceed
 6 \$500,000 on any one project.”

77th CONGRESS
 1st Session

H. R. 4648

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled “An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States”, as amended by the Act of October 14, 1940 (54 Stat. 1119).

By Mr. CURTIS

MAY 5, 1941

Referred to the Committee on Irrigation and Reclamation

AMENDMENT TO THE GREAT PLAINS ACT

NOVEMBER 24, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. O'CONNOR, from the Committee on Irrigation and Reclamation submitted the following

REPORT

[To accompany H. R. 4648]

The Committee on Irrigation and Reclamation, to whom was referred the bill (H. R. 4648) to amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the act of October 14, 1940 (54 Stat. 1119), having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

In line 4, page 2, strike out the words: "upon recommendation of" and insert in lieu thereof "by the Secretary after consultation with".

This amendment was proposed by the Department of the Interior for consistency with the remainder of the Water Conservation and Utilization Projects Act (54 Stat. 1119). Projects under this act are primarily for irrigation. The Secretary of the Interior makes findings relative to the feasibility of these projects and allocating the cost between irrigation and miscellaneous uses and benefits. Since flood control is only an incidental aspect of these projects, the War Department should only be consulted in respect thereto.

The primary purpose of the program provided by the acts which this bill seeks to amend is the stabilization of living conditions in the areas alternately hit by prolonged dry spells and sudden floods. It grew out of a study of the Great Plains.

The program seeks to make water that is not needed, available for use when needed, primarily for such irrigation as is needed to stabilize crops. It definitely is not large-scale irrigation. The basic legislation limits projects to those where dam and reservoir costs do not exceed \$1,000,000. To protect that basic purpose, the existing legislation limits participation of municipal water systems in these

projects to \$500,000. H. R. 4648 seeks further to protect the primary purpose by placing a similar limit upon the amount in any one project which can be allocated to flood control. The committee wants to protect the irrigation feature and feels that such a limitation is in the interests of the program and of the Government, and recommends its enactment.

The report of the Department of the Interior of this legislation recommending enactment was presented to the committee and is quoted herewith as follows:

INTERIOR DEPARTMENT,
Washington, November 18, 1941.

HON. COMPTON I. WHITE,
Chairman, Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of June 5 with which you enclosed for my report a copy of H. R. 4648, entitled "A bill to amend the act of August 11, 1939 (53 Stat. 1418), entitled 'An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States', as amended by the act of October 14, 1940 (54 Stat. 1119)."

I recommend that this proposed legislation be enacted.

The act of August 11, 1939, as amended by the act of October 14, 1940, permits the investigation and construction of water conservation and utilization projects in the Great Plains and in the arid and semiarid areas of the United States. It provides authority for the allocation of the costs of such construction to irrigation, municipal or miscellaneous water supplies and power, to the irrigation of Indian trust and tribal lands and to flood control. It lacks, however, a definite limitation with respect to the part of the estimated cost of a project which may be allocated to flood control.

In view of the limitation to \$1,000,000 of the amount which may be expended, out of funds appropriated pursuant to section 12 (1) of the act of October 14, 1940, for dams and reservoirs in any one project, it appears to me to be entirely appropriate to add a further limitation, as contemplated by H. R. 4648, to the effect that not more than \$500,000 of the cost of a project paid from funds appropriated pursuant to section 12 (1) shall be allocated to flood control.

I have been advised by the Director of the Bureau of the Budget that there would be no objection to the presentation of a similar report in connection with a companion bill, S. 1441.

Sincerely yours,

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

The act and the amendment thereto that is sought to be amended by H. R. 4648 are as follows:

[PUBLIC—No. 848—76TH CONGRESS]

[CHAPTER 861—3D SESSION]

[H. R. 10122]

AN ACT To amend an Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), and an Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (50 Stat. 869)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), is hereby amended to read as follows:

"SECTION 1. For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this Act, to construct water conservation and utilization projects

in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this Act: *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet reimbursable construction costs allocated to irrigation as defined in section 4 (b) shall not exceed \$1,000,000 for dams and reservoirs in any one project.

"SEC. 2. In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this Act, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under subsection 3 (a) (iv); and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this Act. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

"SEC. 3. (a) No construction of a project may be undertaken pursuant to the authority of this Act unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

"(i) the engineering feasibility of the proposed construction;

"(ii) the estimated cost of the proposed construction;

"(iii) the part of the estimated cost which properly can be allocated to irrigation;

"(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4;

"(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

"(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;

"(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Chief of Engineers, War Department.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 5 and 6; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this Act if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 4, an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 12 (1); and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 12 (1), together with (ii) such services, materials, money, easements, and other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 2.

"(b) No actual construction of the physical features of a project, which meets the requirements of subsection (a) shall be undertaken unless and until (1) rights-of-way and other interests in land deemed by the Secretary to be necessary for the

construction and operation of the major features of the project works have been secured, with titles or easements and at prices satisfactory to the Secretary; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

"SEC. 4. (a) No water for irrigation may be delivered from the works of any project constructed under the authority of this Act until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users' organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual landowners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this Act and to protect the interests of the United States.

"(b) The term 'reimbursable construction costs' as used in this Act means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 12 (1), plus such amounts as the President, under section 2 (1), may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation, construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

"(c) The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

"(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary's judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secretary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

"(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

"(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c) (1): *Provided*, That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

"(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c) (1), or

in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

"(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

"Sec. 5. (a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is hereby authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

"(b) For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State, or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

"Sec. 6. The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this Act; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required

by section 4, and shall handle the collections of repayments and shall take over the other administrative duties connected with the project, after the Secretary of the Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 4, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 5 (a); and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 4 and any land contract with the same water user or organization entered into pursuant to section 5 (a), if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is hereby authorized to carry out the provision of any such cooperative agreements.

"SEC. 7. On any one project undertaken pursuant to the Act of August 28, 1937, entitled 'An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes' (50 Stat. 869), as amended and supplemented, expenditures for the construction, maintenance, operation, rehabilitation or financial assistance of any one project, shall not exceed \$50,000 of Federal funds, whether appropriated or allotted or both. All project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project within the meaning of this section.

"SEC. 8. All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 4 (c) (1), excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 4 (c) (2) shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.

"SEC. 9. In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed \$500,000 for any one project: *Provided further*, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4. All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies, and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof.

"SEC. 10. (a) In connection with any project constructed pursuant to the provisions of this Act, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired

under section 5 as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

"(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this Act, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

"Sec. 11. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to perform any and all Acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this Act and for the purpose of carrying the provisions of this Act into full force and effect.

"Sec. 12. To carry out the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this Act, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this Act."

Approved, October 14, 1940.

[PUBLIC—NO. 396—76TH CONGRESS]

[CHAPTER 699—1ST SESSION]

[H. R. 6634]

AN ACT Amending previous flood-control Acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Flood Control Act of August 28, 1937, is hereby amended to read as follows:

"That the Secretary of War is hereby authorized to allot not to exceed \$300,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris and clearing channels in navigable streams and tributaries thereof when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than \$25,000 shall be allotted for this purpose for any single tributary from the appropriations for any one fiscal year."

Sec. 2. Funds heretofore or hereafter appropriated for construction and maintenance of flood-control works by the War Department shall be available for expenditure by the War Department in making examinations and surveys for flood control heretofore or hereafter authorized, or in preparing reports in review thereof as authorized by law, in addition to funds heretofore authorized to be expended for such purposes by the War Department.

Sec. 3. That section 2 of the River and Harbor Act of June 20, 1938, is hereby made applicable to authorized works of flood control.

Sec. 3a. Buffalo Bayou and its tributaries, Texas; the project set forth in House Document Numbered 456, Seventy-fifth Congress, and authorized by Public Law Numbered 685, Seventy-fifth Congress, is hereby modified in accordance with the provisions of section 2 of Public Law Numbered 761, Seventy-fifth Congress, and all requirements of local cooperation inconsistent with said section 2 are hereby eliminated.

Sec. 4. The flood-control plan for the Ohio River Basin authorized in section 4 of the Act of Congress June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), shall include the Muskingum River Valley Dams and reservoirs as set forth in the official plan of the Muskingum Watershed Conservancy District and the provisions of section 2 of the said Act shall apply thereto: *Provided, however*, That the reimbursements in connection with the Muskingum project shall include, in addition to payments to landowners, the reasonable expenses of acquiring lands, easements, or rights-of-way heretofore transferred to the United States, as well as those hereafter transferred and the reasonable expenditures made in acquiring lands or rights-of-way transferred to railroads or other utilities in connection with the relocation of such facilities other than highways. Such reimbursements shall be made from funds heretofore or hereafter appropriated and shall not exceed actual expenditures made by the Muskingum Watershed Conservancy District that are deemed reasonable by the Secretary of War and the Chief of Engineers

nor include any expenditures for the relocation of highways nor any funds provided by the State of Ohio nor by any State or Federal agency other than the Muskingum Watershed Conservancy District: *Provided further*, That the Secretary of War is authorized to pay to said district forthwith on the passage of this Act, the sum of \$1,500,000, on verification of the fact that reimbursable expenditures in such amount have been made by the district, and on the agreement of the district, duly certified to the Secretary of War, that it will proceed immediately to convey and transfer any assets acquired through such expenditures not already conveyed, but such payment may be made prior to the actual transfer of title to lands, easements, rights-of-way, and other property: *And provided further*, That the Muskingum Watershed Conservancy District is hereby relieved of any obligation to maintain and operate the dams.

SEC. 5. Section 2 of Public Law Numbered 761, Seventy-fifth Congress, is hereby amended by adding the following: "*Provided further*, That in all cases of the acquisition hereunder by the United States from the Los Angeles County Flood Control District or the Muskingum Watershed Conservancy District of lands, easements, or rights-of-way, wherein the written opinion of the Attorney General in favor of the validity of the title to such lands, easements, or rights-of-way is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of the district from which said lands, easements, or rights-of-way are to be acquired accompanied by an agreement, duly executed by the district in conformity with the constitutions and laws of the State where the district in question is situated to indemnify the United States against all claims, liabilities, loss, expenses, and attorneys' fees of whatsoever kind or nature, resulting from or arising out of any defect or defects whatsoever in the title to any such lands, easements, or rights-of-way so conveyed to the United States, including all just compensation, costs, and expenses which may be incurred in any condemnation proceeding deemed necessary and instituted by the United States in order to perfect title to any such lands, easements, or rights-of-way."

SEC. 6. The Secretary of War is hereby authorized and directed to cause to be performed under the supervision of the Chief of Engineers preliminary examinations and surveys for flood control, including floods aggravated by or due to tidal effect, at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That the surveys authorized to be performed under the direction of the Secretary of War as well as all duties performed by the Chief of Engineers under the direction of the Secretary of War shall be functions of the Engineer Corps, United States Army, and its head, to be administered under the direction of the Secretary of War and the supervision of the Chief of Engineers except as otherwise specifically provided by Congress: *Provided*, That the power and authority conferred by the Flood Control Act of June 28, 1938, and previously conferred upon the Federal Power Commission, shall remain in full force and effect: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed, are submitted, no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this Act until the project for the proposed work shall have been adopted by law:

Connecticut River in the State of Massachusetts, between the Hatfield town line above Coolidge Bridge and the Narrows at Mount Tom.

Green River, Massachusetts.

Bellows Pond and Canada Lake drainage area, Fulton County, New York.

Owasco Inlet, Owasco Outlet, and their tributaries, Cayuga and Tompkins Counties, New York; Crane Brook, Jericho Brook, and Cold Spring Brook in Cayuga County, New York.

Mohawk River, New York.

Delaware River and its tributaries at, and in the vicinity of, Morrisville, Bucks County, Pennsylvania.

Neshaminy Creek, Bucks County, Pennsylvania.
 Pequest River and its tributaries in Warren and Sussex Counties, New Jersey.
 Lumber River and its tributaries, North Carolina and South Carolina.
 Kissimmee River, Florida, including regulation and stabilization of water levels.
 Black River, Catahoula and Concordia Parishes, Louisiana.
 Purdy Reservoir on Rush Creek, Oklahoma.
 Dirty Creek, Muskogee County, Oklahoma.
 Mangum-Salt Fork, Greer County, Oklahoma.
 Fairfax-Kaw City, Osage County, Oklahoma.
 Leaf and Bowie Rivers and their tributaries, Mississippi.
 Hobolochito River, Mississippi.
 Hatchie River and tributaries, Mississippi and Tennessee.
 North Fork of the Clinch River, Virginia and Tennessee.
 Auglaize, Blanchard and Ottawa Rivers and their tributaries, Ohio.
 Whiteoak and Straight Creeks, Ohio.
 Portage River and its tributaries, with particular reference to the Middle Branch, in Ohio.
 Kentucky River and its tributaries, Kentucky.
 Wabash River and its tributaries, Indiana and Illinois.
 Mississinewa River and its tributaries, Indiana.
 Plum River and its tributaries, Carroll County, Illinois.
 Illinois River and its tributaries, including both creeks having the name "Crow",
 Gimlet Creek, Farm Creek, and Ten Mile Creek, in Illinois.
 Edwards River, Illinois.
 Knife River and its tributaries, North Dakota.
 Goose River and its tributaries, North Dakota.
 South Platte River and its tributaries, Colorado, Wyoming, and Nebraska.
 Neskowin Creek, Oregon.
 Skokomish River, Mason County, Washington.
 Skykomish River, Washington.
 Wainaea, Hanapepe, Wailua, and Hanalei Rivers and their tributaries and
 Kapaa Swamp on the island of Kauai, Territory of Hawaii.
 Anahulu River and other streams and tributaries in the Waialua District and
 the Kawaihuli Swamp in the Kailua District, island of Oahu, Territory of Hawaii.
 Coamo, La Plata, Patillas, Anasco, Toro Negro, and Toa Vaca Rivers and their
 tributaries on the island of Puerto Rico.
 Wailoa Stream and its tributaries on the island of Hawaii, Territory of Hawaii.
 SEC. 7. That the Alamogordo Dam and Reservoir on the Pecos River, New
 Mexico, is hereby authorized and declared to be for the purposes of controlling
 floods, regulating the flow of the Pecos River, providing for storage and for
 delivery of stored waters, for the reclamation of lands, and other beneficial uses,
 and said dam and reservoir shall be used, first, for irrigation; second, for flood
 control and river regulation; and third, for other purposes. The Chief of Engi-
 neers and the Secretary of War are directed to report to the Congress the amount
 of the total cost of said Alamogordo Dam and Reservoir which is properly allo-
 cable to flood control. The appropriation and transfer of such amount from the
 general fund of the Treasury to the reclamation fund, for credit by reduction of
 the maximum obligation of the Carlsbad Irrigation District to repay the total
 cost thereof, is hereby authorized.
 SEC. 8. In the case of any local flood-protection work in the Ohio River Basin
 authorized to be prosecuted by the provisions of section 4 of the Act entitled
 "An act authorizing the construction of certain public works on rivers and harbors
 for flood control, and for other purposes", approved June 28, 1938, the President
 is authorized to waive the requirements of section 3 of the Flood Control Act,
 approved June 22, 1936, with respect to local cooperation to the extent of not to
 exceed 50 per centum of the estimated cost of the lands, easements, and rights-of-
 way required for such work, if he finds, after investigation, that the city or town
 to be benefited by such work is, by reason of its financial condition, unable to
 comply with the requirements of such section 3 with respect to local cooperation.

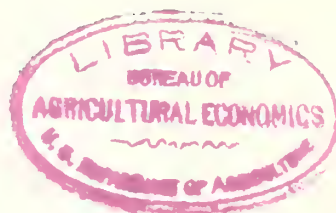
Approved, August 11, 1939.



77TH CONGRESS
1ST SESSION

H. R. 4648

[Report No. 1447]



IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1941

Mr. CURTIS introduced the following bill; which was referred to the Committee on Irrigation and Reclamation

NOVEMBER 24, 1941

Reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act authorizing
4 construction of water conservation and utilization projects in
5 the Great Plains and arid and semiarid areas of the United
6 States", approved August 11, 1939 (53 Stat. 1418), as
7 amended by the Act of October 14, 1940 (54 Stat. 1119),
8 is hereby amended so as to strike out the period at the end of

1 the section, adding a comma, and the following language:
 2 “and that expenditures from appropriations made directly
 3 pursuant to the authority contained in section 12 (1) to meet
 4 costs allocated to flood control ~~upon recommendation of~~ *by the*
 5 *Secretary after consultation with* the Chief of Engineers, War
 6 Department, shall not exceed \$500,000 on any one project.”

Union Calendar No. 486

77TH CONGRESS
1ST Session

H. R. 4648

[Report No. 1447]

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled “An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States”, as amended by the Act of October 14, 1940 (54 Stat. 1119).

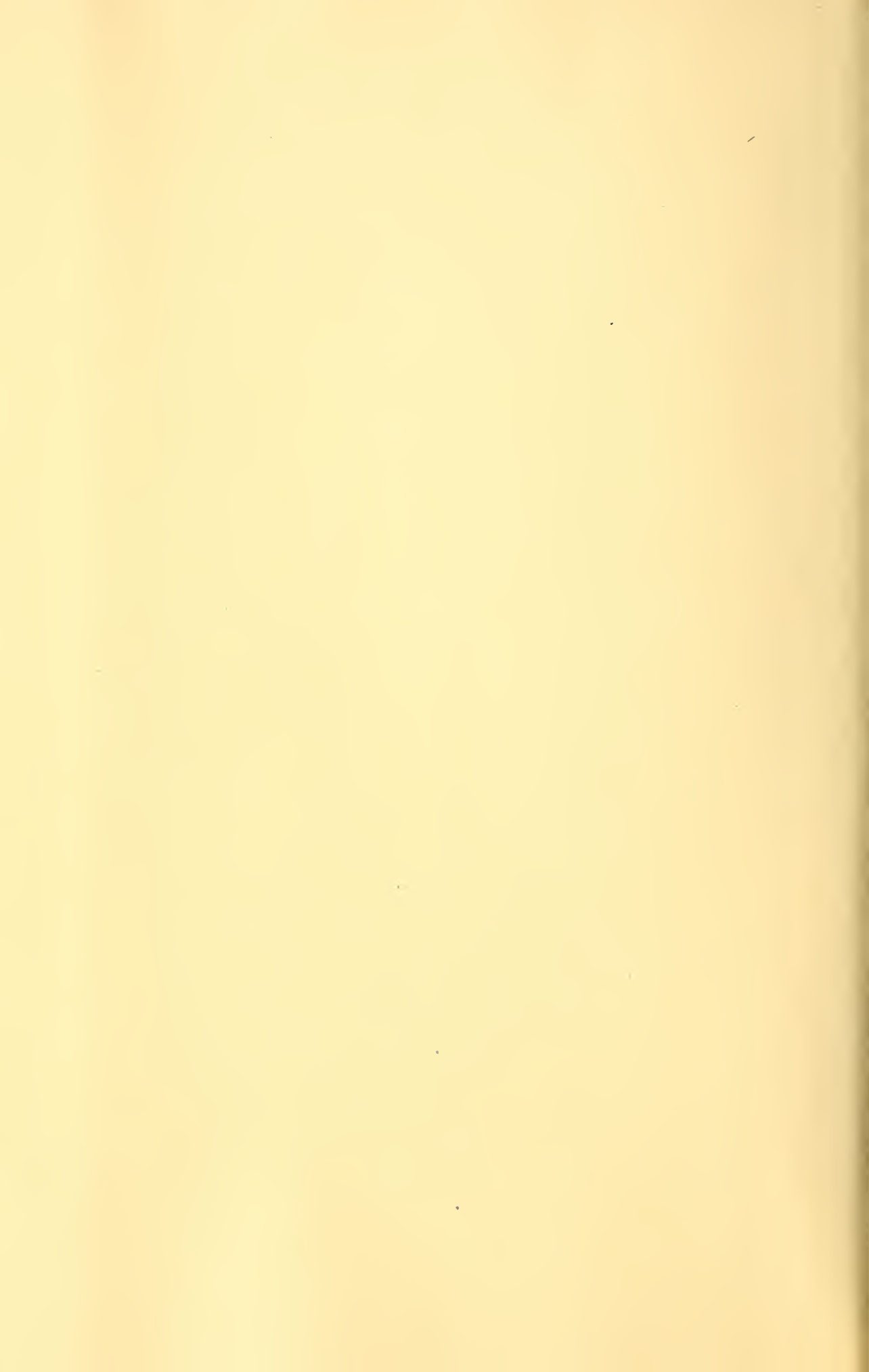
By Mr. CURTIS

MAY 5, 1941

Referred to the Committee on Irrigation and Reclamation

NOVEMBER 24, 1941

Reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed



or utilities used in connection with war material, and for other purposes, approved April 20, 1918, as amended, is amended by inserting at the end thereof the following new section:

"Sec. 7. Notwithstanding the maximum penalties provided in sections 2, 3, 5, and 6, in the case of a conviction of an offense under this act committed after the date this section takes effect, the person convicted shall be punished by death if the verdict of the jury shall so recommend."

With the following committee amendment:

Page 2, line 2, after the word "shall", insert "if such offense resulted in death or serious injury to any other person or placed any other person in grave danger of death or serious injury."

The committee amendment was agreed to.

Mr. KEAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: Page 1, line 8, insert before the word "Notwithstanding" "When the United States is at war."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill to provide for a discretionary penalty of punishment by death on conviction of willful sabotage against the national defense whenever such act causes or threatens death or serious injury to others."

COTTON-MARKETING QUOTAS

The Clerk called the next bill, S. 2035, to amend sections 345 and 347 of the Agricultural Adjustment Act of 1938 with respect to cotton-marketing quotas.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman what the situation is in respect to this bill? Last week when the bill was called one of the Members asked that the bill be rereferred to the Committee on Agriculture. That was objected to. Is it expected that the bill will later be rereferred to the Committee on Agriculture?

Mr. AUGUST H. ANDRESEN. I may say to the gentleman from Michigan that the bill contemplates a referendum on a certain agricultural commodity to wit, cotton, so that when the farmers vote they may by referendum fix a quota for 3 years instead of 1 year. Just a few days ago the farmers voted by referendum on a quota for 1 year, so there is really no need for the legislation at the present time. It may be that the chairman has it in mind to rerefer the bill to the Committee on Agriculture.

Mr. PACE. Mr. Speaker, reserving the right to object, I have no objection to the bill's going over. The incident to which the gentleman from Minnesota referred was a unanimous-consent request for the consideration of the bill. That request was objected to by the gentleman from

Mississippi [Mr. RANKIN]. That terminated the matter. There was no effort to rerefer the bill to the Committee on Agriculture.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, further reserving the right to object, does the gentleman from Georgia know any reason why the bill should not be stricken from the calendar?

Mr. PACE. The referendum was held day before yesterday, fixing the quota for 1 year. I do not think any special purpose would be served to consider the bill at this time, but I would rather not take the responsibility of saying that it could be stricken from the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota that the bill be passed over without prejudice?

There was no objection.

AMENDMENT TO PARAGRAPH 1798 OF THE TARIFF ACT OF 1930, AS AMENDED

The Clerk called the next bill, H. R. 1632, permitting free entry of articles imported by returning residents from certain countries on the basis of the frequency of use of the exemption rather than the length of visit abroad, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand that the Speaker is to recognize a member of the Ways and Means Committee to suspend the rules on this bill following the call of the calendar. For this reason, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. ANDREWS. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Messrs. THOMAS F. FORD, SHORT, and BENNETT objected.

AMENDMENT TO THE GREAT PLAINS ACT

The Clerk called the next bill, H. R. 4648, to amend the act of August 11, 1939 (53 Stat. 1418) entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," as amended by the act of October 14, 1940 (54 Stat. 1119).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I make the point of order that the report does not comply with the Ramseyer rule. It contains the original act and amendments to the act, but it does not print the proposed amendments to the act.

The SPEAKER pro tempore. The gentleman's point of order is premature, inasmuch as the bill is not now before the House for consideration. The Chair overrules the point of order.

Mr. SCHULTE. Mr. Speaker, reserving the right to object, the bill reads, "An

act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States." I want to go along with the gentleman from Missouri in what he said just a few moments ago. All we have to do is start authorizing and from there on the bills will start to come in.

Mr. CURTIS. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Nebraska.

Mr. CURTIS. This bill is not an authorization, neither is it an appropriation. It provides some clarifying language for existing law and carries a limitation. It prescribes a method for expending money already appropriated and authorized. It does not increase any authorization.

Mr. SCHULTE. Will the gentleman answer this question then: Does that mean this will not cost the Government any more money; that is, no more funds are to be expended?

Mr. CURTIS. I think that is right.

Mr. SCHULTE. The gentleman will assure the House of that? If he does, I will withdraw my objection.

Mr. CURTIS. I think that is absolutely correct. It does not provide for an authorization.

Mr. SCHULTE. I know that.

Mr. COCHRAN. The act does provide for an authorization that you seek to amend.

Mr. CURTIS. Yes, but I do not seek to amend by increasing the authorization.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I want to serve notice on the gentleman that the next time this bill is called up if the report does not comply with the Ramseyer rule I am going to insist on my point of order.

Mr. CURTIS. The report does conform to the Ramseyer rule. There was an early report filed that did not. It was called to my attention and a new report filed.

Mr. COCHRAN. The gentleman just handed me a report and I say the report he hands me does not comply with the Ramseyer rule.

Mr. CURTIS. I think it does.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I assume that the request of the gentleman from Indiana is based upon the assumption that the proposed bill would create some authorization. The gentleman from Nebraska is correct in stating that this bill does not create a new authorization. There is an authorization in existing statutes. This bill seeks to place a limitation of \$500,000, as I understand it, upon an authorization that already exists; so rather than causing the Government to expend more money this definitely seeks to place a limitation upon a certain category for which authorization is presently existent.

Mr. COCHRAN. This bill, however, broadens the original act to give the Secretary of the Interior power to take in

other projects not now provided in the original act.

Mr. CASE of South Dakota. No. I think the gentleman is not correct because he will find that under existing law projects may be constructed which have flood-control features; but this amendment, as I understand it, specifically provides those flood-control features may not be in excess of \$500,000.

Mr. SCHULTE. Mr. Speaker, I renew my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

AMENDMENT TO ORGANIC ACT OF VIRGIN ISLANDS

The Clerk called the next bill, H. R. 5925, to amend the organic act of the Virgin Islands of the United States approved June 22, 1936.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last sentence of section 26 of the organic act of the Virgin Islands of the United States, approved June 22, 1936 (49 Stat. 1867), is hereby amended by striking out the word "shall" in said sentence and inserting in lieu thereof the word "may," so that said sentence, as amended, will read as follows:

"He may attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COPIES OF NATURALIZATION PAPERS OF PARENT TO BE ISSUED TO HIS OR HER CHILDREN

The Clerk called the next bill, H. R. 4489, to permit the courts of the United States and State courts to issue copies of naturalization certificates to all persons over 21 years of age who can show they are entitled to citizenship in the United States of America by the naturalization of their parent or husband.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, reserving the right to object—and I shall not object, because I feel that the bill has a world of merit to it—I would like to have the gentleman from Illinois explain the bill. I believe he can do away with any objections that may be raised against this particular piece of legislation.

Mr. MASON. Mr. Speaker, the bill H. R. 4489 is one which simply permits the courts of the United States that have issued naturalization papers to aliens to issue copies of the same from their records under certain provisions and safeguards, and with heavy penalties, to the children of those aliens in order that they may show they have derived their citizenship from their parents' papers. That in substance is the bill.

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, what kind of penalties are provided?

Mr. MASON. There is a penalty of \$5,000 and 5 years in jail for anyone,

either on the part of the court or the applicant or any witnesses, who knowingly certifies anything that is false.

Mr. JENKINS of Ohio. I presume the gentleman means that these certificates will issue under the regular processes of the court, through the clerk?

Mr. MASON. Yes.

Mr. COLE of New York. Further reserving the right to object, Mr. Speaker, in reading over the second section of this bill, with regard to the penalty, I see that the issuance of one of these certificates under certain conditions is made a felony. There seems to be an ambiguity as to who is subject to this penalty, which, as was explained by the gentleman from Illinois, is a rather severe one. I am not certain but that an innocent person might be made subject to the penalty. I have talked this matter over with the gentleman from Illinois and he has agreed that by the deletion of a couple of commas the intent of the committee will be made more clear.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from New York.

Mr. DICKSTEIN. The committee felt that that penalty would be proper in this case.

Mr. COLE of New York. I do not dispute the penalty at all.

Mr. DICKSTEIN. Then they would have to apply in the regular way to the courts.

Mr. COLE of New York. Let me refer the gentleman to the provisions of this section, which might very well be interpreted to read, "Any person who is a party to the issuance of one of these certificates is subject to the penalty."

Mr. DICKSTEIN. It is very simple.

Mr. COLE of New York. I am sure it is not the intent of the gentleman to subject an innocent person who may be a party to the issuance of such a certificate to a \$5,000 fine and imprisonment for 5 years.

Mr. DICKSTEIN. Under the bill, the Attorney General will make rules and regulations.

Mr. MASON. The correction that has been suggested is simply striking out the commas so that no one who is innocent would be punished, but anyone knowingly being a party to the fraudulent issuance of a certificate will be punished. This is simply an attempt to correct the grammatical construction.

Mr. DICKSTEIN. The committee would have no objection to that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any individual over 21 years of age, who is a resident of any State in the United States of America or the District of Columbia, who claims to have derived United States citizenship through the naturalization of a parent or husband, may, upon the payment of a fee of \$2, make application to the court, either State or Federal, where the original certificate of naturalization was issued, accompanied by two photographs of the applicant, for a copy of the naturalization certificate of his or her parent or husband, as the case may be. Upon proof to the satisfaction

of the said court that the applicant is a citizen; that the said applicant is a child of the said parent so formerly naturalized and was under 21 years of age at the time said parent secured such naturalization certificate and at the time resided in the United States of America, or that the applicant is the true and lawful wife of a person who has been formerly naturalized, then such person shall be issued a true and lawful copy of the naturalization certificate issued to his or her parent or husband, which shall be accepted by all courts, election boards, and departments of government as prima facie evidence of the citizenship of the person to whom such copy of naturalization certificate is issued.

Sec. 2. Any person who knowingly issues, or is a party to the issuance under section 1 of this act, any copy of such naturalization certificate as aforesaid, or falsely secures, makes affidavit, or certifies that an applicant for such copy of naturalization is a citizen, when the truth is otherwise, or any applicant knowingly, or having reason to believe that he is not a citizen, or not entitled to such a copy of naturalization certificate of his or her parent or husband, shall be guilty of a felony, and on conviction thereof shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that on page 2, lines 18 and 19, the commas be deleted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGRICULTURAL CONSERVATION PROGRAM PAYMENTS

The Clerk called the next bill, H. R. 5739, amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PACE. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2077, be considered in lieu of the House bill.

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, is the Senate bill the same as the House bill, or is it broader than the House bill?

Mr. PACE. It is word for word the same, with one typographical correction.

Mr. COCHRAN. This is about the first time your committees have been together at any time this year.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the last proviso under the head "Conservation and use of agricultural land resources, Department of Agriculture," in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Cong., approved July 1, 1941), is amended to read as follows: "Provided further, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on cropland owned

LaCrosse (Wis.) Tribune and Leader-Press of January 15, 1942, entitled "The Formula at Last."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMERICAN WAR MOTHERS

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I take this time to advise the Members of the House that I have introduced a bill today to amend the American War Mothers Act, by providing that eligibility for membership in that great organization is extended, also, to the mothers of sons and daughters who serve in the Army or Navy of the United States, or in the military or naval service of our Allies, in the present World War.

The mothers of those who now compose our Army and Navy, and those who have sons or daughters serving with our Allies, should be extended the right of membership in the American War Mothers. This right should be extended to all those mothers who had sons or daughters in the Army or Navy of our Nation, or who were serving with our Allies, on the 7th day of December 1941, the time Japan made the ruthless and unwarranted attack upon us, or who may so serve at any time thereafter until the termination of this war.

All mothers who have sons and daughters so serving in this great conflict are our War Mothers. They are entitled to membership in the American War Mothers, and the amendment which I have this day introduced will extend that right to them.

I hope the proper committee, to which this amendment is referred, will act promptly in this matter so this proposed legislation may be brought before the House for action within the next few days. I also hope that this proposed amendment to the American War Mothers Act may be adopted and passed by the House without a dissenting vote. Let us give the mothers of those now serving in our armed forces the same right that was extended to the mothers of those serving in our armed forces in the first World War.

EXTENSION OF REMARKS

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a newspaper article from the newspaper PM.

The SPEAKER. Is there objection?

There was no objection.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include an address I delivered on Robert E. Lee.

The SPEAKER. Is there objection?

There was no objection.

CAROLE LOMBARD

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks by the inclusion of a telegram signed by Secretary

Morgenthau, and also an address delivered by Carole Lombard, at Indianapolis, last Thursday.

The SPEAKER. Is there objection?

There was no objection.

[Mr. LUDLOW addressed the House. His remarks appear in the Appendix.]

TAXES

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

[Mr. JENKINS of Ohio addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a resolution adopted by the United Slovak Fraternal Organization and Clubs of Gary, Ind., showing their loyalty and unity, under the leadership of the President of the United States.

The SPEAKER. Is there objection?

There was no objection.

REGISTRATION OF CERTAIN PROPAGANDISTS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended, with Senate amendments thereto, and agree to the conference.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SUMNERS of Texas, Mr. McLAUGHLIN, and Mr. HANCOCK.

EXTENSION OF REMARKS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a letter.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent on behalf of myself and my colleague the gentleman from South Carolina [Mr. BRYSON] to extend my remarks in the Record and include a speech delivered by Senator Joe R. Hanley, of Albany, N. Y., commander in chief of the United Spanish War Veterans, at the Woman's Patriotic Conference on National Defense.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein the address delivered by the Honorable Sumner Welles, Under Secretary of State of the United States, at the opening session of the meeting of foreign ministers at Rio de Janeiro, Brazil, January 15, 1942; also, several editorials from leading newspapers relating to the meeting of foreign ministers at Rio de Janeiro.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a resolution of the grand jury of Los Angeles County.

The SPEAKER. Is there objection?

There was no objection.

THE LATE HON. WILLIAM E. ANDREWS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, with a sad heart I rise to announce the death of a former Member of the House of Representatives, William E. Andrews, who died today at his home at 1225 Fairmont Street, Washington, D. C.

Mr. William Andrews represented the Fifth Congressional District of Nebraska with honor and distinction, first in the Fifty-fourth Congress, from March 4, 1895, to March 4, 1897. From June 9, 1897, to April 30, 1915, he served as auditor for the Treasury, being appointed by former President McKinley. He was elected to the Sixty-sixth Congress and reelected to the Sixty-seventh Congress.

Mr. Andrews served as a member of the faculty at Hastings College, Hastings, Nebr., from January 1885 to January 1893. He was private secretary to the Governor of Nebraska, Hon. Lorenzo Crounse, from 1893 to 1894, before being elected to Congress.

Mr. William E. Andrews had an outstanding career as an educator, statesman, executive, and orator. He was truly one of God's noble men. His high character, his personal integrity, and his steadfast Christian faith have been guideposts to all who knew him. In his passing Nebraska and the Nation have lost a most outstanding citizen and I have lost a very dear friend.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, those of us who had the pleasure of serving with Mr. Andrews in this body in the Sixty-sixth and Sixty-seventh Congresses are saddened to hear of his passing. Mr. Andrews came up in life the hard way. He was a fine American, a good friend, and one whose counsel we invariably sought while he was a Member of this body. We extend to his survivors our sincere sympathy.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CROWTHER. Mr. Speaker, it is with a great deal of regret that those of us who served with him in years past have learned of the death of former Representative William E. Andrews of Nebraska.

There is now no Member in the House who was here when he served his first term in Congress, the fifty-fourth. The dean of our membership is Judge SABATH,

the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "Joint resolution to approve and authorize the continuance of certain payments for the hospitalization and care of Leo Mulvey, and for other purposes."

PAY FOR ARMY OFFICERS

The Clerk called the next bill, H. R. 5480, to provide pay for officers in accordance with the rank and grade in which they were inducted and served in the land forces.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That persons inducted into the land forces of the United States, or called to active duty therein, in grades or ranks to which not entitled under laws and regulations in effect at the time of said induction or call, shall, notwithstanding and administrative determination to the contrary, be entitled to the pay and allowances of the rank or grade in which inducted or called for the period during which they in fact served in said erroneous rank or grade, to be paid out of the appropriation available on the date of the enactment hereof for pay of the Army: *Provided*, That the Secretary of War determines that the induction or call of said persons in said erroneous grade or rank was without fault on the part of said persons so inducted or called.

Sec. 2. Payments heretofore erroneously made to such persons described in section 1 hereof are hereby ratified and validated and credit therefor shall be allowed by the Comptroller General of the United States in the accounts of disbursing officers making said payments: *Provided*, That any amounts collected from any person on account of payments which are herein validated shall be refunded to said person upon the presentation of a claim therefor to the Comptroller General of the United States who is authorized and directed to certify said claim to the Secretary of the Treasury for payment out of any money in the Treasury not otherwise appropriated.

With the following committee amendments:

Page 1, line 4, after "States", strike out "or called to active duty therein" and insert "as a part of the National Guard of the United States under Public Resolution No. 96, approved August 27, 1940."

Line 9, strike out "and" and insert "an."

Page 2, line 18, after "any", strike out "money in the Treasury not otherwise appropriated" and insert "funds available for pay of the Army."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLAIR COUNTY, PA.

The Clerk called the next bill, H. R. 5481, to transfer Blair County, Pa., from the western judicial district of Pennsylvania to the middle judicial district of Pennsylvania.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Blair County, Pa., of the western judicial district of Pennsylvania, be, and it is hereby, detached from said judicial district and attached to the middle judicial district of Pennsylvania.

With the following committee amendment:

Page 1, line 6, after "Pennsylvania", insert a colon and the following: "*Provided*, That the transfer herein provided shall not affect any case or proceedings now pending."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF CLASSIFICATION ACT OF 1923

The Clerk called the next bill, H. R. 6217, to amend section 13 of the Classification Act of 1923, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOSER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. RAMSPECK. Reserving the right to object, Mr. Speaker, I call the attention of my friend to the fact that the testimony before the committee, of which the gentleman is a member, was to the effect that this bill is definitely a help to national defense. The administration is very eager to have it passed, promptly, in order that the Navy Department may get a higher grade of personnel for guard positions and so other agencies may retain and secure mechanics in the Government service. True, it covers some other matters, but I hope my friend may be willing to let the bill go through.

Mr. MOSER. Mr. Speaker, practically everybody in the Government is trying to take a free ride at the expense of national defense, and we have embarked on the policy of cutting out nondefense spending. Here is a bill that will carry an increase in salaries to persons who are in the classified civil service drawing salaries from \$5,600 to \$9,500 a year. I do not mind increasing the wages of a guard and helping the Navy Department recruit a superior personnel to that which they presently have, but I do object to giving every bureaucrat in the Government of the United States and every person in the high brackets of salary under the classified service a free ride every time we do something for the under dog, for charwomen, guards, and so forth, of low salary. I spent 22 years in the classified service getting up just about half that high, and with the gigantic strides that we have been taking I am constrained to object and shall ever object to increasing anybody in the classified service to a point in such service where the salary of such positions will exceed the salary of a Member of the Congress.

Mr. RAMSPECK. The gentleman knows there is nothing in this bill that will permit anybody to draw a salary above \$10,000 a year, and he also knows that the part of the bill he is discussing costs only \$300,000, whereas the total cost of the bill is \$15,000,000, the other money going to the lower-paid people who need it greatly and whose salaries are now far below the going rates in private employment.

Mr. MOSER. The aggregate of the increase in the bill will be something like \$4,000,000 to the higher brackets. There are classifications there that will receive as much as \$600. I am con-

strained to object to that part of the bill.

Mr. RAMSPECK. The testimony of all the officials of the Government was that the net increase for the higher grades would be \$300,000 per year, and I furnished the gentleman with a statement to that effect showing the number of positions and the number that are already above this \$9,000 limit either by an act of Congress or because they are not under the Classification Act. There are many of them outside the Classification Act receiving above \$9,000 per year.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. Moser]?

Mr. RAMSPECK. Mr. Speaker, I object to the bill being passed over.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOSER. I object, Mr. Speaker.

MAINTENANCE OF SECRECY OF MILITARY INFORMATION

The Clerk called the next business, House Joint Resolution 264, to maintain the secrecy of military information.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that a similar Senate joint resolution may be considered in lieu of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution (S. J. Res. 124), as follows:

Resolved, etc., That effective as of May 27, 1941, section 12 (h) of the Neutrality Act of 1939 (Public Res. No. 54, 76th Cong.) is amended by adding at the end thereof the following new sentence: "Any reports required by this section may be omitted or dispensed with in the discretion of the Secretary of State during the existence of a state of war."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The similar House joint resolution was laid on the table.

THE INTER AMERICAN STATISTICAL INSTITUTE

The Clerk called the next business, House Joint Resolution 219, to enable the United States to become an adhering member of the Inter American Statistical Institute.

Mr. KEAN. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York [Mr. Bloom] whether, in his opinion, the passage of this joint resolution will help in winning the war by improving relations with our South American friends? If that is so, I shall be very pleased to support the bill.

Mr. BLOOM. In answer to the gentleman, I will say yes, and, furthermore it will give us at this time information that will be valuable not only to this country but to the countries of this hemisphere. The measure is recommended by the President, the Secretary of State,





77TH CONGRESS
2D SESSION

H. R. 4648

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1942

Read twice and referred to the Committee on Irrigation and Reclamation

AN ACT

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act authorizing
4 construction of water conservation and utilization projects in
5 the Great Plains and arid and semiarid areas of the United
6 States", approved August 11, 1939 (53 Stat. 1418), as
7 amended by the Act of October 14, 1940 (54 Stat. 1119),
8 is hereby amended so as to strike out the period at the end of

1 the section, adding a comma, and the following language:
2 “and that expenditures from appropriations made directly
3 pursuant to the authority contained in section 12 (1) to
4 meet costs allocated to flood control by the Secretary after
5 consultation with the Chief of Engineers, War Department,
6 shall not exceed \$500,000 on any one project.”

Passed the House of Representatives January 19, 1942.

Attest:

SOUTH TRIMBLE,

Clerk.

AN ACT

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

JANUARY 20, 1942

Read twice and referred to the Committee on
Irrigation and Reclamation



Calendar No. 1118

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1085

WATER CONSERVATION AND UTILIZATION PROJECTS IN THE GREAT PLAINS AND ARID AND SEMIARID AREAS OF THE UNITED STATES

FEBRUARY 13, 1942.—Ordered to be printed

Mr. BUTLER, from the Committee on Irrigation and Reclamation,
submitted the following

REPORT

[To accompany S. 1441]

The Senate Committee on Irrigation and Reclamation, to whom was referred the bill (S. 1441) to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," as amended by the act of October 14, 1940 (54 Stat. 1119), having considered the same, report favorably thereon with the following amendment, and with the recommendation that the bill, as amended, do pass.

Page 2, line 4, strike out the words "upon recommendation of" and insert in lieu thereof the words "by the Secretary after consultation with."

When this bill was considered, the committee had before it a report from the Interior Department recommending the passage of the bill. The letter from the Interior Department is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, November 18, 1941.

Hon. J. H. BANKHEAD,
*Chairman, Committee on Irrigation and Reclamation,
United States Senate.*

My DEAR SENATOR BANKHEAD: Further reference is made to your letter of May 6 with which you enclosed for my report a copy of S. 1441, entitled "A bill to amend the act of August 11, 1939 (53 Stat. 1418), entitled 'An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States,' as amended by the act of October 14, 1940 (54 Stat. 1119)."

I recommend that this proposed legislation be enacted.

The act of August 11, 1939, as amended by the act of October 14, 1940, permits the investigation and construction of water conservation and utilization projects in the Great Plains and in the arid and semiarid areas of the United States. It provides authority for the allocation of the costs of such construction to irrigation,

municipal or miscellaneous water supplies and power, to the irrigation of Indian trust and tribal lands and to flood control. It lacks, however, a definite limitation with respect to the part of the estimated cost of a project which may be allocated to flood control.

In view of the limitation to \$1,000,000 of the amount which may be expended, out of funds appropriated pursuant to section 12 (1) of the act of October 14, 1940, for dams and reservoirs in any one project, it appears to me to be entirely appropriate to add a further limitation, as contemplated by S. 1441, to the effect that not more than \$500,000 of the cost of a project paid from funds appropriated pursuant to section 12 (1) shall be allocated to flood control.

I have been advised by the Director of the Bureau of the Budget that there is no objection to the presentation of this report.

Sincerely yours,

JOHN J. DEMPSEY,
Acting Secretary of the Interior.



Calendar No. 1118

77TH CONGRESS
2D SESSION

S. 1441

[Report No. 1085]

IN THE SENATE OF THE UNITED STATES

MAY 5, 1941

Mr. BUTLER introduced the following bill; which was read twice and referred to the Committee on Irrigation and Reclamation

FEBRUARY 13, 1942

Reported by Mr. BUTLER, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act authorizing
4 construction of water conservation and utilization projects
5 in the Great Plains and arid and semiarid areas of the United
6 States", approved August 11, 1939 (53 Stat. 1418), as
7 amended by the Act of October 14, 1940 (54 Stat. 1119),
8 is hereby amended so as to strike out the period at the end

1 of the section, adding a comma and the following language:
 2 “and that expenditures from appropriations made directly
 3 pursuant to the authority contained in section 12 (1) to
 4 meet costs allocated to flood control ~~upon recommendation of~~
 5 *by the Secretary after consultation with* the Chief of Engineers,
 6 War Department, shall not exceed \$500,000 on any one
 7 project.”

A BILL

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled “An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States”, as amended by the Act of October 14, 1940 (54 Stat. 1119).

By Mr. BUTLER

MAY 5, 1941

Read twice and referred to the Committee on
Irrigation and Reclamation

FEBRUARY 13, 1942

Reported with an amendment

PROGRAM FOR WATER CONSERVATION
AND UTILIZATION

LETTER
OF THE
SECRETARY OF THE INTERIOR
TO THE
CHAIRMAN OF THE
COMMITTEE ON IRRIGATION AND RECLAMATION
UNITED STATES SENATE

TRANSMITTING

A REPORT OF THE BUREAU OF RECLAMATION ON THE
PROGRAM FOR WATER CONSERVATION AND UTILIZA-
TION DESIGNED TO REHABILITATE AREAS IN THE
GREAT PLAINS AND ELSEWHERE IN THE ARID
AND SEMIARID REGIONS OF THE WEST



PRESENTED BY MR. BANKHEAD

FEBRUARY 14 (legislative day, FEBRUARY 13), 1941.—Referred
to the Committee on Printing

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1941

Submitted by Mr. Hayden

IN THE SENATE OF THE UNITED STATES,
February 19 (legislative day, February 13), 1941.

Ordered, That the letter of the Secretary of the Interior, transmitting to the chairman of the Committee on Irrigation and Reclamation the report of the Bureau of Reclamation on the program for water conservation and utilization designed to rehabilitate the arid and semi-arid areas in the Great Plains, be printed as a Senate document.

Attest:


Secretary.

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LETTER OF TRANSMITTAL

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1941.

HON. J. H. BANKHEAD,
United States Senate.

MY DEAR SENATOR BANKHEAD: Upon receipt of your letter of January 16, requesting certain information with respect to the progress of the program for water conservation and utilization designed to rehabilitate areas in the Great Plains and elsewhere in the arid and semiarid regions of the West, I asked the Bureau of Reclamation to provide me with a report.

Commissioner John C. Page has now submitted to me by his letter, a copy of which is enclosed, a summary account of the progress of this program which sketches in all the details for which you asked.

To his report I wish merely to add that the wisdom of this attack on the problems created in the Great Plains and elsewhere in the West by continuing or recurring droughts seems now clearly to have been established. The program will add to the solidarity of the West and to the public security.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

LETTER OF SUBMITTAL

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 28, 1941.

The SECRETARY OF THE INTERIOR.

SIR: I am submitting herewith as requested summarized data, together with copies of findings of feasibility and the approval of the President, on the projects under the water conservation and utilization program which have been authorized up to this time. Comments of cooperating agencies—the Department of Agriculture and the Work Projects Administration—are included.

With nine projects authorized under this program and work started on several, initial steps are under way looking to the rehabilitation of established agricultural areas in the Great Plains and intermountain regions which have been stricken by drought or threatened by shortages of irrigation water supplies. While these projects serve only a few of the hundred or more communities where critical conditions are pressing for attention, they demonstrate what can be expected of this program.

Through the use of a limited amount of reimbursable funds appropriated direct from the General Treasury, supplemented by allotments of Work Projects Administration labor and Civilian Conservation Corps enrollees, the conservation of human and physical resources is being advanced. Highly desirable social and economic objectives will be attained.

The program offers an assured means of averting continued dislodgment of large numbers of farm families from their present locations. It also provides a recognized method for permanent reductions in Federal relief costs occasioned by drought and migrations, and for quieting the disturbed economy of States to the westward and elsewhere which have been unable to absorb in productive activities the newcomers rendered destitute and cut loose by circumstances beyond their control. The construction work is far from industrial centers and the employment afforded does not interfere with national-defense activities.

Results that may confidently be anticipated from the projects authorized, as summarized from the attached material, are as follows:

More than 1,590 families will be rehabilitated and made self-sustaining on the projects and through land adjustments nearby.

Employment will be afforded for an average of 4,600 workers, mostly unskilled, for a period of 36 months.

With approximately 100,000 acres to receive a full or a supplemental supply of water from these works, direct support will be provided for an additional 400,000 acres. A Farm Security Administration spokesman estimates that each irrigated acre in Montana and the

Dakotas will stabilize 30 acres of range land through provision for winter feed for livestock.

Nearby towns and villages, suffering with the rural areas, will receive commercial and other advantages through construction activities and improved agriculture.

The full amount appropriated from the General Treasury directly for these projects will be repaid.

Transformation of unsuccessfully farmed dry land into productive irrigated areas and improved water supplies for other areas will enable water users to repay in 40 annual installments an average of \$71 an acre, including \$16 for land development and other activities under the Department of Agriculture.

The average reimbursable cost of about \$5,700 for each 80-acre unit, suitable for support of a family, approximates the average Federal emergency outlay per relief worker in the West during the 7-year period from 1933 to 1940.

Nonreimbursable costs per family benefited by these projects is slightly less than the average Federal relief expenditure per worker in the western area during the 7-year period.

For the first time since inauguration of the Federal irrigation policy, through enactment of the reclamation law of 1902, a Government irrigation program—this program—includes provision for rough leveling of land, construction of small farm ditches, and definite plans for land-use readjustments. This phase of these projects will enable settlers to become self-sustaining sooner than would be possible if they were compelled to settle on raw land without adequate facilities for preparation of the soil. While construction of facilities is the responsibility of the Bureau of Reclamation, land preparation and settlement plans are under the Department of Agriculture.

Most of the projects authorized are expected to be under construction by the summer of 1941. Negotiations incident to the disposal of land in excess of economical size units and other details, which are being handled by the Department of Agriculture, are being advanced and progress being made with detailed plans indicates no unnecessary delays.

Under the \$5,000,000 appropriation in the Interior Department Appropriation Act of 1940, projects have been authorized requiring direct appropriations from the General Treasury of \$4,353,000. Projects which are estimated to require \$1,915,000 directly from the General Treasury have been authorized under supplementary legislation enacted in October 1940. The immediate appropriated requirements for these latter projects are to come from the \$3,500,000 carried in the Interior Department Appropriation Act of 1941.

The projects so far authorized require a total of \$6,268,000 of directly appropriated funds to be supplemented by contributions of labor and material by the Work Projects Administration and the Civilian Conservation Corps. As stated, these appropriated funds are reimbursable together with such parts of the contributions of the Work Projects Administration and Civilian Conservation Corps as the President may direct.

The Interior Department Appropriation Act of 1941 made the first allocation of funds—\$196,000 of a total of \$3,500,000—for surveys and investigations in connection with this program. Previously investigations had been undertaken where feasible with the limited funds available from the Bureau's regular appropriations.

There are now under investigation or definitely scheduled for study about 50 proposed projects in 13 States which may later be considered for construction under the water conservation and utilization program. In these States, as well as in others, the probabilities are that reconnaissances and investigations being conducted on a basin-wide basis will disclose localities in which projects should and could be considered.

In the areas under study or definitely scheduled for investigation in 13 States, indications are that there are 390,000 acres now under irrigation which require a supplemental water supply. There are also approximately 153,000 acres now unsuccessfully dry-farmed, which can be stabilized through irrigation for the support of existing communities.

The urgent need for this type of project, together with adequate appropriations to maintain a long-term construction program, was emphasized in your letter to Senator Carl Hayden, of Arizona, under date of January 18, 1940. This need is unabated.¹

While climatic conditions in some sections of the Great Plains have improved somewhat, the deficiencies in moisture resulting from droughts of the last decade are far from being met. These deficiencies in some areas are so great that experts estimate 50 years would be required to restore the range by normal means.

The exodus of farm families from the Great Plains is continuing with consequent continued disturbance of the economy of the localities which they leave and of those to which they go in vain search for land on which they can again become self-sustaining. In the intermountain regions many communities that have been built up around irrigated agriculture are now threatened by inadequate water supplies. This occurs because of increasing population pressures, introduction of new crops, and variable precipitation. Many families have fled these areas and others may be compelled to follow.

Attention is directed to Federal relief expenditures in the 17 arid and semiarid States. In the 7 years from 1933 to 1940, the outlay in these States through the Work Projects Administration and its predecessor agencies exceeded two and one-half billion dollars. According to the best estimates available the average outlay per Work Projects Administration employee during the 7-year period ranged from \$5,000 to \$6,000. A substantial part of the total outlay in these States can be traced to the dislodgment of families by the Great Plains droughts and agricultural maladjustments, and to the migration westward of homeless men, women, and children from rural areas seeking nonexistent opportunities for a new start in life.

At least 150,000 Great Plains families migrated to the Mountain and Pacific States during the 1930-39 decade.

Of 650 counties in the Great Plains, 501 showed a net loss in population of 753,554.

In contrast 277 out of 309 counties to the westward showed a net gain of 1,941,601 persons. Outside of the southern California cities, the increased population was heaviest in irrigated areas, for the most part where Federal reclamation projects assure an adequate supply of irrigation water.

The necessity for constructive action to halt the flight of families from the Great Plains and similar areas has been recognized by the Congress in enactments as follows:

¹ Hearings, Interior Department appropriation bill for 1941, pp. 347-353.

Interior Appropriation Act, 1940, approved May 6, 1939, appropriating \$5,000,000 of reimbursable funds for construction of projects in the Great Plains and other areas to be supplemented by the Work Projects Administration or other allotments as the President may direct.

Case-Wheeler Act, approved August 11, 1939, authorizing the construction of water conservation and utilization projects.

Interior Appropriation Act, 1941, approved June 18, 1940, appropriating \$3,500,000 of reimbursable funds for construction of projects authorized under Case-Wheeler Act, including \$196,000 for investigations and surveys.

Act of October 14, 1940, amending Case-Wheeler Act of 1939.

In pursuance of the provisions of the Interior Department Appropriation Act of 1940, the President, in a letter to you under date of June 14, 1939, outlined the procedure to be followed in proposing allocations from the \$5,000,000 appropriation. His instructions were in accordance with the general policies laid down in the report of the Northern Great Plains Committee, dated October 14, 1938. They provided that recommendations, which have been designated as findings of feasibility, should include the concurrence or views of the Department of Agriculture and the Work Projects Administration.

Under this procedure, the Bureau of Reclamation, under your direction, has been responsible for the investigations and construction of the irrigation features of the projects proposed. The Department of Agriculture has investigated and reported on the agricultural phases of proposed undertakings and has assumed responsibility for land-development and resettlement activities. The Work Projects Administration has advised as to the amount of relief labor available in project areas, and the National Resources Planning Board has assisted in planning and coordination.

The amendments to the Case-Wheeler Act, approved on October 14, 1940, outline in more detail the participation of the Department of the Interior and the Department of Agriculture. Under authority of these amendments, the President, by letter to you under date of October 17, 1940, directed that the cooperative procedure outlined in his letter of June 14, 1939, should be continued.

Allotments from the \$5,000,000 appropriation in the Interior Appropriation Act of 1940 have been made for projects in States as follows:

Montana: Buffalo Rapids No. 1, 3,000-acre extension of the 12,500 acre Glendive unit constructed with Emergency Relief Act allocations made in 1937; and Buffalo Rapids No. 2 of 11,600 acres.

North Dakota: Buford-Trenton of 13,400 acres and Bismarck of 4,800 acres.

Nebraska: Mirage Flats of 12,000 acres.

Wyoming: Eden of 20,000 acres.

Under the Case-Wheeler Act, as amended, projects have been authorized in the following States:

Colorado: Mancos of 10,000 acres.

South Dakota: Rapid Valley of 12,000 acres.

Utah: Newton of 2,225 acres.

The over-all costs involved in the construction of these nine projects under the current program total \$14,623,000, of which \$6,403,000 is reimbursable. The remainder is represented by allotments of labor

and for small amounts of material from the Work Projects Administration and Civilian Conservation Corps. The cost of the original Glendive unit of the Buffalo Rapids project was \$1,630,000 of which \$500,000 is reimbursable.

Of the over-all construction costs, \$12,105,000 is allotted to the Bureau of Reclamation for the construction of irrigation facilities and \$2,518,000 to the Department of Agriculture for land development, including construction of small farm ditches, rough leveling, and settlement activities. The average over-all per acre cost of the projects authorized is \$165, of which \$30 represents contemplated outlays by the Department of Agriculture in connection with land preparation and resettlement.

Under a decision of the Comptroller General, dated December 19, 1940, allotments to the Department of Agriculture, totaling \$183,000 from the \$3,500,000 appropriation for 1941, for its planned activities on the Rapid Valley, Mancos and Newton projects cannot be made available without supplemental legislation. It is planned to request this legislation from the Congress.

Early approval of the Saco Divide project in Montana is anticipated. It is planned to construct this project under the \$5,000,000 appropriation for 1940. Of the total estimated cost of the Saco Divide project of \$1,050,000, the reimbursable amount recommended for allocation from the general fund for construction purposes is \$560,000. This allocation will practically exhaust the \$5,000,000 appropriation.

Attention may be directed to the fact that the Rapid Valley project was originally authorized under the \$5,000,000 appropriation for the fiscal year 1940. Owing to unanticipated delays, this authorization was rescinded after \$80,000 of an allotment of appropriated reimbursable funds had been used. This project subsequently was authorized under the Case-Wheeler Act, as amended.

Recommendations approved by the President provide for operations of projects and negotiation of contracts for repayment as follows: By the Bureau of Reclamation: Rapid Valley, Newton, and Mancos; by the Department of Agriculture: Buffalo Rapids (both units), Buford-Trenton, Bismarck, Mirage Flats, and Eden.

Attached is the following material:

Tabulations A, showing the acreage and distribution of estimated costs of projects authorized; B, estimated employment and periods of construction on each project; and C, schedule of farm-family readjustments on completion of projects, including those on original Glendive unit of Buffalo Rapids project.

Detailed data summarized for each project with your findings of feasibility approved by the President and comments of the Department of Agriculture and the Work Projects Administration.

Program of investigations.

Instructions of the President as to procedure under dates of June 14, 1939, and October 17, 1940.

Legislation under which program has been developed.

Respectfully submitted.

JOHN C. PAGE, *Commissioner.*

TABLE A.—*Water conservation and utilization projects (estimated construction costs, Departments of Interior and Agriculture)*

Project	State	Irrigable acreage	General fund ¹		Total	Contributed funds ²		Total	Departmental totals		Grand total estimated cost
			Agriculture	Interior		Agriculture	Interior		Agriculture	Interior	
Buffalo Rapids No. 1 ^{3 4}	Montana	\$ 3,000	\$ 210,000	\$ 120,000	\$330,000	\$ 120,000	\$ 110,000	\$230,000	\$330,000	\$230,000	\$560,000
Buffalo Rapids No. 2 ¹	do	11,600	225,000	515,000	740,000	225,000	875,000	1,100,000	450,000	1,390,000	1,840,000
Butler-Trenton ³	North Dakota	13,400	220,000	410,000	630,000	200,000	670,000	870,000	420,000	1,080,000	1,500,000
Eden ²	Wyoming	20,000	200,000	1,000,000	1,200,000	200,000	1,045,000	1,245,000	400,000	2,045,000	2,445,000
Rapid Valley ⁷	South Dakota	12,000	130,000	1,100,000	1,230,000	40,000	1,640,000	1,680,000	170,000	2,740,000	2,910,000
Mirage Flats ³	Nebraska	12,000	170,000	815,000	985,000	190,000	1,385,000	1,575,000	360,000	2,290,000	2,660,000
Bismarck ³	North Dakota	4,800	120,000	130,000	250,000	120,000	220,000	340,000	240,000	350,000	590,000
Newton ⁷	Utah	2,225	8,000	215,000	223,000	15,000	380,000	395,000	23,000	395,000	618,000
Mancoes ⁷	Colorado	10,000	80,000	600,000	680,000	45,000	875,000	920,000	125,000	1,475,000	1,600,000
Total		89,025	\$ 1,363,000	4,905,000	6,268,000	1,155,000	7,200,000	8,355,000	2,518,000	12,105,000	\$ 14,623,000

¹ Reimbursable.² Work Projects Administration and Civilian Conservation Corps allotments, nonreimbursable.³ Allotment from \$5,000,000 fund (Interior Appropriation Act, 1940).⁴ Funds do not include cost of original Glendive unit (Buffalo Rapids No. 1) constructed 1937-40 with Emergency Relief Administration funds.⁵ 12,500 acres in original Glendive unit not included in this tabulation in connection with current construction costs, but are considered in farm-family readjustment table C.⁶ Agriculture allotments include cost of land preparation, land readjustments, and resettlement. Interior allotments include cost of constructing irrigation facilities.⁷ Allotment from \$3,500,000 fund (Interior Appropriation Act, 1941).⁸ Additional legislation is necessary to make available the reimbursable allotments to the Department of Agriculture on the Rapid Valley, Newton, and Mancoes projects.⁹ Emergency Relief Administration outlay on Glendive unit, Buffalo Rapids, were included, total costs allocated would be \$16,253,000; of Glendive unit costs of \$1,630,000, \$500,000 is reimbursable.¹⁰ \$135,000 of contributed funds is reimbursable, making total repayable \$6,403,000.

TABLE B.—*Water conservation and utilization projects (employment and time of construction)*

Project	State	Spon- sors' em- ployees	Work Proj- ects Ad- ministra- tion em- ployees	Civilian Conserva- tion Corps enrollees	Period for con- struction (months)
Buffalo Rapids No. 1 ¹	Montana.....	12	153	-----	15
Buffalo Rapids No. 2.....	do.....	22	457	-----	40
Buford-Trenton.....	North Dakota.....	24	313	-----	40
Eden.....	Wyoming.....	20	150	600	48
Rapid Valley.....	South Dakota.....	22	340	400	60
Mirage Flats.....	Nebraska.....	22	200	600	45
Bismarek.....	North Dakota.....	20	300	-----	24
Newton.....	Utah.....	12	350	-----	24
Mancos.....	Colorado.....	20	150	400	40
Total.....	-----	174	2,413	2,000	-----

¹ Original Glendive unit of 12,500 acres was constructed under Emergency Relief Administration Act of 1937 and current work includes facilities for 3,000-acre extension and land preparation for entire unit.

TABLE C.—*Water conservation and utilization projects (schedule of farm-family readjustments)* ¹

Project	State	Irrigable area (acres)	Rehabili- tation in place (project area)	Rehabili- ation by resettle- ment (project area)	Rehabili- tation outside (project area)	Total readjust- ment
Buffalo Rapids No. 1.....	Montana.....	² 15,500	50	115	76	241
Buffalo Rapids No. 2.....	do.....	11,600	20	104	69	193
Buford-Trenton.....	North Dakota.....	13,400	35	115	115	265
Eden.....	Wyoming.....	20,000	80	70	70	220
Rapid Valley.....	South Dakota.....	12,000	60	60	45	165
Mirage Flats.....	Nebraska.....	12,000	30	120	120	270
Bismarek.....	North Dakota.....	2,800	20	40	30	90
Newton.....	Utah.....	2,225	50	-----	-----	50
Mancos.....	Colorado.....	10,000	100	-----	-----	100
Total.....	-----	101,525	445	624	523	1,594

¹ Estimates of adjustments on first 7 projects listed are made by Farm Security Administration's area director at Denver on assumption that all irrigable land, except adequate-sized units retained by operators rehabilitated on project, will be available for Government purchase and rehabilitation.

² Includes 12,500 acres originally designated as Glendive unit constructed under Emergency Relief Administration allocation, 1937-40, and now embraced in land preparation and resettlement program of Department of Agriculture; 3,000-acre extension added in 1940.



PROGRAM FOR WATER CONSERVATION AND UTILIZATION

BUFFALO RAPIDS, FIRST DIVISION (GLEN DIVE UNIT)

Location:

State: Montana.

Counties: Prairie and Dawson.

Project headquarters: Glendive.

Transportation: Northern Pacific and Chicago, Milwaukee & St. Paul Railroads and United States Highway No. 10.

History: ¹

Findings of feasibility:

The Secretary of the Interior, June 16, 1937 (for original project).

The Secretary of the Interior, April 10, 1940 (for extension).

Comment:

Department of Agriculture, December 16, 1939.

Work Projects Administration, February 13, 1940.

Approved:

The President, September 27, 1937, under Emergency Relief Act of 1937 and reclamation law as to reimbursable amounts, for irrigation of 12,500 acres.

The President, May 15, 1940, under 1940 water conservation appropriation, act of May 10, 1939 (53 Stat. 1418), for 3,000 additional acres.

Construction began 1937 (original unit); 1940 for extension.

Period of construction (extension): 15 months.

Water supply:

Source: Yellowstone River.

Facilities: Pumping plant, main canal, laterals, and farm ditches.

Lands and agriculture:

Area: 15,500 acres unsuccessfully dry-farmed.

Average farm unit planned: 75 acres.

Principal crops: Alfalfa, other forage crops, grain, and sugar beets.

Settlement (rehabilitation):

Families on project, 165.

Families off project, 76.

Total rehabilitation, 241.

Participating agencies:

Bureau of Reclamation, construction of main facilities.

Department of Agriculture, land preparation, readjustment, and settlement.

Work Projects Administration, labor.

National Resources Planning Board, planning and coordination.

¹ Major part of construction was completed under original authorization covering 12,500 acres. Authorization of extension included participation by Department of Agriculture.

Finances:

Estimated construction cost (Emergency Relief Administration), \$1,605,000; (water conservation appropriation), \$560,000; total, \$2,165,000.

Bureau of Reclamation, \$1,835,000.

Department of Agriculture, \$330,000.

Reimbursable: (Emergency Relief Administration), \$500,000; (water conservation appropriation), \$330,000.

Nonreimbursable: \$1,335,000.

Employment (during construction of extension):

Bureau of Reclamation, Department of Agriculture, 12.

Work Projects Administration, 153.

Total, 165.

Repayment: Reimbursable amounts returnable in 40 annual installments after development period under contracts negotiated by Department of Agriculture.

Operation and maintenance: Bureau of Reclamation until completion; thereafter under Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL (ORIGINAL PROJECT)

BUFFALO RAPIDS, 1937

THE SECRETARY OF THE INTERIOR,
Washington, June 16, 1937.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The following report on the Glendive unit of the Buffalo Rapids reclamation project in the State of Montana is made to you under the provisions of section 4 of the act of June 25, 1910 (36 Stat. 835).

This section of the act provides in effect that after the date of said act, no irrigation project to be constructed under the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, shall be undertaken unless and until the project shall have been recommended by the Secretary of the Interior and approved by direct order of the President.

Subsection B, section 4, act of December 5, 1924 (43 Stat. 701), provides as follows:

That no new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States.

The Buffalo Rapids project contemplates the irrigation of several tracts of land in Montana on both sides of the Yellowstone River above the lower Yellowstone project of the Bureau of Reclamation. The Glendive unit is the farthest down stream of these tracts, and is the one now proposed for construction. The plan of irrigation for the Glendive unit is to pump water from the Yellowstone River to a canal and lateral system which will convey the water to 17,000 acres of

irrigable land in a strip of 2 miles average width along the northwest bank of the Yellowstone, extending from Glendive, Mont., up the river about 28 miles.

WATER SUPPLY

After a study of the local precipitation records and the requirements for irrigation on the nearby lower Yellowstone project, it is estimated that the required annual pumpage for the Buffalo Rapids project will be 3 acre-feet per acre on the average with a maximum of 4 acre-feet per acre in the driest years. A study of run-off records of the Yellowstone River indicates that the remaining surplus after by-passing the full demand for the lower Yellowstone project, the lowest project on the river, will be sufficient for the entire Buffalo Rapids project, and more than ample for the Glendive unit.

ENGINEERING FEATURES AND CONSTRUCTION COSTS

The principal construction features for the Glendive unit are as follows:

(1) An electrically operated pumping plant situated on the northwest bank of the Yellowstone River, $2\frac{1}{2}$ miles northeast of Fallon, Mont. The plant will be equipped with 2 units of 125 second-feet each. Power will be supplied initially, at least, by the Montana-Dakota Power Co., at a rate of 4 mills per kilowatt-hour;

(2) A discharge line of 68-inch diameter steel pipe to convey the water from the pumping plant through a lift of 132 feet and for a length of 3,100 feet to the main canal;

(3) A main canal of 500 second-feet initial capacity 32 miles in length extending to upper Seven-Mile Creek, west of Glendive. The canal is to be constructed with excess capacity so that additional lands downstream from Glendive may be irrigated by the addition of pumping units and a second discharge line when it is found desirable to increase the irrigated area of the Glendive unit. Practically all excavation for the canal will be in earth and little or no lining will be required. Canal structures consist essentially of small wash-crossings;

(4) Laterals of short length and small capacity; and

(5) A drainage system which will need to be started shortly after water is delivered and the construction of which may be extended over a period of years until all of the unit is under irrigation.

The estimated costs of construction are as follows:

Pumping plant of 250 second-feet capacity	\$275, 000
Discharge line.....	125, 000
Main canal	376, 000
Laterals.....	204, 000
Priming and puddling canals, commencing operations.....	100, 000
Engineering, overhead, contingencies, and miscellaneous.....	270, 000
Drainage.....	255, 000
Total.....	1, 605, 000

This total also may be divided into an estimated amount of \$626,000 for materials, equipment, and freight; \$829,000 for local labor; and \$150,000 for superintendence, and technical and clerical aid.

LAND PRICES

The total 17,000 acres of land are privately owned. The rights-of-way which must be secured are not included in the estimates of costs given above. It is believed desirable that the repayment contract with the irrigation district shall contain a stipulation that as a condition precedent to construction the required rights-of-way will be furnished without cost to the United States. The contract also should provide for appraisal of lands on the basis of value without irrigation, and for the sale of holdings in excess of the area (not exceeding 160 acres) required for the support of a family, to new settlers at or below the appraised value.

ADAPTABILITY OF LAND TO SETTLEMENT AND FARM HOMES

The land comprised in the 17,000 acres of irrigation lands is of good fertility. Rough land and poor soils have been eliminated. The land can readily be prepared for the effective application of water. If properly prepared for irrigation and properly cultivated, good yields of all crops grown in this locality are assured. With care in the selection of new settlers and farms suitably improved and equipped, success in farming may be anticipated.

PROBABLE RETURN TO RECLAMATION FUND OF COST OF CONSTRUCTION

A finding is required that the cost of construction will probably be returned to the reclamation fund. This is interpreted to mean that it will be returned within a maximum period fixed by reclamation law which is 40 years from the time public notice that the works are completed is issued by the Secretary. Due to the emergency existing in this region, it is proposed in lieu of the usual procedure of constructing the project by contract, with expenditures wholly reimbursable, that this project will, to a large degree, be constructed by force account with nonreimbursable funds, these funds being provided as a Federal grant for relief purposes.

It is estimated that the cost of pumping and of operations and maintenance of project will be approximately \$3 per acre per annum, assuming a power charge of 4 mills per kilowatt-hour. From the experience of the Bureau of Reclamation on projects where weather, crop, and market conditions are similar, it is believed that a charge greatly in excess of \$4 per acre per annum will be burdensome to the landowners. The construction charge repayment, therefore, should be held at a figure not greatly in excess of \$1 per acre per annum.

It is proposed that the amount spent for local labor, estimated at \$829,000, be nonreimbursable and that the remaining \$776,000 be reimbursable under reclamation law, based on a 40-year repayment program. The annual construction repayment charge would be \$1.14 per acre, or a total of \$4.14 per acre per annum for pumping, operation and maintenance, and repayment. These lands should be capable of making this payment.

FINDING REGARDING FEASIBILITY OF PROJECT

The foregoing data justify the conclusion that the project is feasible from an engineering standpoint and is economically feasible on the basis of repayment of \$776,000 as set out in the preceding paragraph. I accordingly so find and declare.

The section of Montana of which the project is a part lies in the semiarid region which has suffered from a persistent drought over a number of years with an exceptional impairment of agricultural activities and attendant reduction in the number of livestock. The region is faced with general abandonment of farms and homes unless agriculture is bolstered by irrigation. Because of the urgent need of providing a water supply for these lands, I recommend that construction of the Glendive unit of the Buffalo Rapids project be approved, that an adequate allotment of relief funds be provided, and that construction be started at an early date.

Sincerely yours,

CHARLES WEST,
Acting Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT,
President.

SEPTEMBER 27, 1937.

FINDING OF FEASIBILITY AND APPROVAL (EXTENSION)

THE SECRETARY OF THE INTERIOR,
Washington, April 10, 1940.

The PRESIDENT,
The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act of 1940 contains the following item, hereinafter called the "1940 Water Conservation Authority":

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects * * * in the Great Plains and arid and semiarid areas of the United States * * * \$5,000,000 to be allocated by the President * * * and to be reimbursed to the United States by the water users * * * : *Provided*, That expenditures from Works Progress Administration funds shall be subject to such provisions with respect to reimbursability as the President may determine.

There is presented herein, for your approval, a proposal to complete and to bring the operation of the first division (formerly termed the Glendive unit) of the Buffalo Rapids irrigation project in Montana under the provisions of the 1940 Water Conservation Authority. This division is now under construction with funds allocated from the Emergency Relief Appropriation Act of 1937.

The first division is a project of the type contemplated for construction under the 1940 Water Conservation Authority. The lands of the division, comprising 15,500 acres, are located in Dawson County on the north bank of the Yellowstone River. They extend 25 miles upstream from Glendive, nearly to Fallon, in a strip from 1 to 2 miles wide, and are situated immediately across the river from the lands of the second division, for which an allocation has been made from the appropriation mentioned above.

Water for irrigating the land will be obtained from the Yellowstone River, pumped to a height of 100 feet above the river, and then conveyed to the farms through 32 miles of canals and a system of laterals and farm ditches. Electrical energy for pumping will be obtained at

first from the Montana-Dakota Power Co. and later perhaps from the plant to be installed at Fort Peck Dam.

The lands are of good fertility and are well adapted to irrigation. The principal crops will be forage and small grains to supplement the livestock industry. United States Highway No. 10 traverses the entire length of the project and the main lines of the Northern Pacific and of the Chicago, Milwaukee & St. Paul Railroads pass through the nearby towns of Glendive and Fallon, thus providing access to markets.

Construction of the division was started by the Bureau of Reclamation in 1937 with funds allocated from the Emergency Relief Appropriation Act of that year, and that work is now approximately 80 percent completed. An area of 3,000 acres in the so-called upper Glendive-Fallon district had been omitted from the project due to an unpaid bond issue outstanding against it. The Farm Security Administration has recently indicated that it can obtain control of these lands, and the revised estimate for construction includes a lateral system for this district.

It is desirable to bring the division under the provisions of the Great Plains program for the following reasons:

1. Construction has been conducted in large measure with relief forces rather than by the contract methods ordinarily employed by the Bureau of Reclamation;

2. Only a portion of the funds used in construction is reimbursable, instead of being entirely reimbursable as are the funds for other reclamation projects; and

3. The second division of the project, separated from the first division only by the Yellowstone River, is to be constructed and developed under the Great Plains program and, if the two divisions are operated by separate agencies, considerable duplication of effort will result and much confusion and many difficulties will arise through the enforcement of different repayment measures and rates.

4. Construction of the first division can be completed with forces now available, and during the time the preliminary work for the second division is under way.

The cost of materials and supplies has increased considerably since the original estimates were prepared. An additional sum of \$230,000 is needed to complete construction, to build a lateral system for the additional 3,000 acres, to provide drainage facilities needed in the first few years, and to furnish some funds for operation and maintenance during construction. The drainage cost is difficult to determine and the above estimate may have to be increased some time in the future as the project reaches its full development. The additional amount should not exceed \$100,000. The participation of the Department of Agriculture will require expenditures estimated at \$330,000 for rough leveling, construction of farm ditches, settlement, and related features.

It will be difficult for the landowner to pay construction charges greatly in excess of those contemplated for the second division, particularly since the pumping lift for the first division exceeds that of the other division, thus increasing pumping costs. It is believed equitable to charge the water users approximately the same rate per acre on both divisions. This will require some reduction in the reim-

bursable portion of the emergency relief appropriation funds heretofore allocated.

Analyses of these factors are shown on two tabulations which are attached. It will be noted from table No. 1 that \$560,000 is needed at this time, of which \$330,000 is considered reimbursable and is expected to be obtained from the 1940 Water Conservation Authority, while \$230,000 is nonreimbursable and is planned to be furnished by the Work Projects Administration. Table No. 2 explains the reduction in the reimbursable portion of the present allotment to maintain the same construction charge per acre for the two divisions. The estimated charge per acre for the second division, which forms the basis for some of the calculations in this table, is taken from the previous presentation to you of the second division, which you approved on October 11, 1939. If it is possible to make a saving in the cost of constructing the second division, the calculations in the table would consequently be changed. For this reason, the figures in the tabulation should not be considered final, and the determination of the charges to be levied against the first division should await the completion of construction of both divisions.

The experience of the Bureau of Reclamation on projects which are similarly situated indicates that the water users will probably be able to repay construction charges of \$620,000 over a period of 40 years, and the Department of Agriculture has stated that the development charges of \$210,000 can readily be repaid in the same period. These charges, amounting to \$830,000, are in addition to those required for maintenance and operation, including the costs of electrical energy.

I recommend that the first division of the Buffalo Rapids project be completed and operated under the provisions of the 1940 Water Conservation Authority; that the Bureau of Reclamation continue to act as the construction agency; that the bureaus of the Department of Agriculture conduct the land-development program and the arrangement for settlement, repayment, and project operation; and that the National Resources Planning Board provide assistance in the planning and coordinating fields.

I recommend that an allocation of \$330,000 from the 1940 Water Conservation Authority be made to the Department of the Interior, Bureau of Reclamation, and that the Work Projects Administration be requested to give prompt consideration to the project application which will be filed by the Bureau of Reclamation to secure the remaining \$230,000 needed for the division.

The Department of Agriculture and the National Resources Planning Board will be reimbursed for all services connected with the construction of the division by transfers or advances from the funds made available to the Department of the Interior, Bureau of Reclamation, for construction of the division. Letters containing the comments of the Department of Agriculture and of the Work Projects Administration are enclosed.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT.

MAY 15, 1940.

TABLE NO. 1.—*Estimate of expenditures, extension of first division, Buffalo Rapids project, Montana*

[Area: 15,500 acres (3,000 acres in extension)]

	General fund appropriation			Work Projects Administration allocation			Total		
	Agri-culture	Inter-ior	Total	Agri-culture	Inter-ior	Total	Agri-culture	Inter-ior	Total
Administration.....	\$11, 000	\$5, 000	\$16, 000	\$4, 000	\$4, 000	\$8, 000	\$15, 000	\$9, 000	\$24, 000
Supervisory, clerical, and technical aid.....	65, 000	19, 000	84, 000	6, 000	5, 000	11, 000	71, 000	24, 000	95, 000
Equipment, materials, supplies, and freight.....	134, 000	96, 000	230, 000	12, 000	11, 000	23, 000	146, 000	107, 000	253, 000
Labor for construction and for land development.....	-----	-----	-----	98, 000	90, 000	188, 000	98, 000	90, 000	188, 000
Total.....	210, 000	120, 000	330, 000	120, 000	110, 000	230, 000	330, 000	230, 000	560, 000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration allocation are estimates and not limitations.

TABLE NO. 2.—*Analysis of estimates, costs, and charges for construction of first division, Buffalo Rapids project, Montana*

[Area: 15,500 acres]

Items	Reimburs-able	Nonreimbursable	Total
(1) Original allotments as revised by letter from the President to the Secretary of the Treasury, dated May 9, 1939.....	\$547, 200	\$1, 057, 800	\$1, 605, 000
(2) Estimate of new work (limitation only on total of reimbursable item):			
Completion of construction.....	30, 000	50, 000	80, 000
Laterals for upper Glendive—Fallon district.....	30, 000	30, 000	60, 000
Drainage.....	50, 000	30, 000	80, 000
Operation and maintenance during construction.....	10, 000	-----	10, 000
Total, new work.....	120, 000	110, 000	230, 000
(3) Total estimated construction cost.....	667, 200	1, 167, 800	1, 835, 000
(4) Revision of construction charges in order to place the two divisions on the same repayment basis (see explanation ¹ below).....	620, 000	1, 215, 000	1, 835, 000
(5) Consequent change in original allotment (\$547,200—(\$667,200—\$620,000)=\$500,000).....	500, 000	1, 105, 000	1, 605, 000
(6) Possible increase in drainage costs (funds derived from 1940 general fund appropriation and future Work Projects Administration).....	60, 000	40, 000	100, 000
(7) Total estimated construction cost with drainage increase.....	620, 000	1, 315, 000	1, 935, 000
(8) Revision of allotment with drainage increase.....	440, 000	1, 165, 000	1, 605, 000
(9) Total funds needed for construction from 1940 appropriation and Work Projects Administration with drainage increase.....	180, 000	150, 000	330, 000

¹ The President approved an allocation for the second division on Oct. 11, 1939. The report on which he based the allocation states that (a) the irrigated area will be 9,800 acres, (b) the sum of \$550,000 should be obtained from the 1940 water conservation appropriation, of which \$360,000 would be used for construction and the remainder for land development, (c) the water users could repay \$600,000 in 40 years for construction and land development, or \$50,000 more than the allotment from the 1940 water conservation appropriation. The construction charges for the two divisions may then be calculated as follows:

First division: \$1 (per acre per annum) × 15,500 (acres) × 40 (years) = \$620,000.

Second division: $\frac{\$360,000 + \left(\frac{\$360,000}{\$550,000} \times \$50,000 \right)}{9,800 \times 40} = \$1 \text{ per acre per annum.}$

COMMENT OF DEPARTMENT OF AGRICULTURE

BUFFALO RAPIDS NO. 1

DEPARTMENT OF AGRICULTURE,
Washington, December 16, 1939.

The Honorable SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: One of the projects planned for construction under the water conservation and utility project section of the Interior Department appropriation bill for the fiscal year 1940, is the first division of the Buffalo Rapids irrigation project on the Yellowstone River in Prairie and Dawson Counties, Mont.

In your request to the President for allocations to complete this project, the reasons given for desiring to bring it under the Great Plains program are sound. We also agree that the rate per acre for water should be approximately the same on both No. 1 and No. 2 of Buffalo Rapids, and recommend the inclusion of Division No. 1 Buffalo Rapids under the Great Plains program with the understanding that provision can be made in the sum total of funds to be repaid by the settlers of this project that will accomplish this objective. With this assumption and on the basis of estimates being presented by the Bureau of Reclamation as to the amount of reimbursable funds to be used in completing the project, we are of the opinion that the project is feasible and practicable. This opinion is based upon field examination of the area and studies of the economic data readily available. It is also conditioned upon the availability of excess lands for purchase by the Farm Security Administration at appraised values. Preliminary work gives assurance of this.

The Farm Security Administration has available at the present time \$95,000 of funds derived from grants made by the Federal Emergency Relief Administration to the Rural Rehabilitation Corporation of Montana. Although these funds are not sufficient to complete the purchase of land within the area of this project, they will greatly facilitate the project development. Federal land purchase will make land development and farmstead improvement with government assistance, followed by planned and rapid settlement, possible. This is essential for the success of the project, as anything less than complete development cannot carry the operation and maintenance expenses plus prorated shares of construction. Also, only by this method can stranded or refugee families from submarginal dry lands be rehabilitated and significant adjustments in population and resources be effected as contemplated in the policies laid down in the October 1938 report of the Great Plains Committee of the National Resources Committee.

The project land which must necessarily be purchased would be acquired from nonoperators and from operators who would sell their land owned in excess of economic units.

After completion of construction, a development period of several years will be necessary to complete settlement, and organize and stabilize production before returns will permit starting repayment of construction costs.

As this project is partially constructed with a few residents ready to use some irrigation water, we recommend that the Bureau of Reclamation operate the project until construction is completed. It is estimated that this will include the irrigation seasons of 1940 and 1941. We recommend that deficits in operation costs during this period be funded with construction charges. At the close of construc-

tion, including land development, the Department of Agriculture will take over operation of the project in addition to the program of land purchase, land development, including unit subdivision, and resettlement, which are the responsibility of the Department of Agriculture from the outset. The negotiation of contracts for district organization and operation, sale of excess lands, repayment of water costs and so forth, progress on which has been made by the Bureau of Reclamation, will be completed or carried forward cooperatively by the Bureau of Reclamation and the Department of Agriculture. This will be not later than completion of construction.

Our estimates indicate that the Department of Agriculture will require approximately \$210,000 for its participation, in addition to a nonreimbursable Work Projects Administration contribution of approximately \$120,000. It is my understanding that these amounts are included in your construction estimates.

Sincerely yours,

M. L. WILSON,
Acting Secretary.

COMMENT OF WORK PROJECTS ADMINISTRATION

BUFFALO RAPIDS

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., February 13, 1940.

MR. JOHN C. PAGE,
*Commissioner, Bureau of Reclamation,
Department of the Interior.*

MY DEAR MR. PAGE: Reference is made to my letter of October 17, 1939, concerning the submission of an application for the second division of the Buffalo Rapids irrigation project in Montana.

Reference is also made to a conference between representatives of this Administration and Mr. Wesley R. Nelson, of your office, on February 10, 1940, in which the preparation of this application was discussed, as well as an application for the extension of works that are now being constructed in the first division of the Buffalo Rapids project. It was agreed that future considerations relative to the amount of labor for these projects would be for both the first and second divisions combined.

Accordingly, arrangements have been made by this Administration which appear to insure the availability of 550 certified workers for employment on the two divisions during the remainder of the current fiscal year. If provisions are made for the continuation of the Work Projects Administration program after the end of the current fiscal year, it is to be expected that a minimum of 550 certified workers can be made available for the continuation of this program subject to the provision of legislation applicable thereto.

Applications for such parts of the proposed work as can be carried out within the current fiscal year, submitted in accordance with the requirements of the Work Projects Administration program will be given expeditious handling. It is suggested that the preparation of projects for this work may best be expedited through consultation between representatives of the Bureau of Reclamation and the State Work Projects administrator for Montana, Mr. Joseph E. Parker, Butte.

Yours very truly,

F. C. HARRINGTON, *Commissioner.*

BUFFALO RAPIDS, SECOND DIVISION

Location:

State: Montana.

Counties: Custer, Prairie, and Dawson.

Project headquarters: Glendive.

Transportation: Northern Pacific and Chicago, Milwaukee & St. Paul Railroads, and United States Highway No. 10.

History:¹

Findings of feasibility: The Secretary of the Interior, October 2, 1939, and April 10, 1940.

Comment:

Department of Agriculture, March 30, 1940.

Work Projects Administration (undated).

Approved: The President, October 11, 1939, and May 15, 1940, under water conservation appropriation, act of May 10, 1939 (53 Stat. 685).

Construction began: September 1940.

Period of construction: 40 months.

Water supply:

Source: Yellowstone River.

Facilities: Pumping plant, canal, laterals, and farm ditches.

Lands and agriculture:

Area: 11,600 acres of land now unsuccessfully dry-farmed.

Average farm unit planned: 90 acres.

Principal crops: Forage and grain.

Participating agencies:

Bureau of Reclamation, construction of major facilities.

Department of Agriculture, land-use readjustments, land preparation, settlement, and project operation.

Work Projects Administration, labor.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 124.

Families off project, 69.

Total rehabilitation, 193.

Finances:

Estimated construction cost, \$1,840,000.

Bureau of Reclamation, \$1,390,000.

Department of Agriculture, \$450,000.

Reimbursable, \$740,000.

Nonreimbursable, \$1,100,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 22.

Work Projects Administration, 457.

Total, 479.

¹ The second finding of feasibility, approved by the President, May 15, 1940, enlarged area and was substituted for the original. Correspondence in both instances covered practically same ground.

Repayment: Reimbursable amount in 40 annual installments after development period.

Operation and maintenance:

By irrigation district under supervision of Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, April 10, 1940.

The PRESIDENT,

The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act, 1940, contains an appropriation of \$5,000,000 from which allocations may be made by you:

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects, * * * in the Great Plains and arid and semiarid areas of the United States.

All expenditures from the appropriation, and as much of the expenditures from the Work Projects Administration fund as the President determines, are to be considered reimbursable. Hereinafter the appropriation item will be termed the "1940 Water Conservation Appropriation."

You approved the inclusion of the Second Division of the Buffalo Rapids Project in the Great Plains program and its construction under the provisions of the appropriation item mentioned above on October 11, 1939. Since that time the engineers of the Bureau of Reclamation have completed detailed surveys of the division which indicate that certain of the engineering features should be revised and that an additional 1,800 acres should be added to the project area, thus increasing the area from 9,800 acres to 11,600 acres. These revisions have increased the estimated cost of the project from \$1,450,000 to \$1,840,000. It is, therefore, considered necessary to resubmit the project proposal to you.

A general description of the location of the lands, the type of crops to be raised, and the transportation facilities available were contained in the previous submission and will not be restated. As now constituted, the lands of the division lie in three tracts near the towns of Shirley, Terry, and Fallon on the south side of the Yellowstone River in Custer, Prairie, and Dawson Counties, Mont. The area to be irrigated contains 11,600 acres of which 5,300 acres are near Shirley, 2,800 acres near Terry, and 3,500 acres near Fallon. Water for irrigation will be obtained from the Yellowstone River, raised by electrically driven pumps to the project canals, and thence conveyed to the farm lands by the canal and lateral distribution system. Power for pumping is planned to be obtained from the plant to be installed at Fort Peck Dam and will be delivered over transmission lines, the greater number of which are already built. Construction will include the digging of farm ditches and necessary rough land leveling.

A study is being made of the most desirable size of farm units, and the large holdings will be subdivided to adequate-sized units before they are permitted to receive water. Also, water will be

delivered to tenant-operated lands only if conditions are such as to insure the best use of the land and interests of the tenant. The control of lands in excess of those required by the present residents will be obtained either through a contract with an irrigation district providing for the sale of excess holdings, or through the purchase of the large holdings with funds obtained from sources other than the water conservation appropriation. A development period of several years may be necessary before the project can assume the repayment burden.

The estimated cost of construction, including the building of all irrigation structures, and the leveling of the rough lands is \$1,840,000. Of this amount, \$740,000 is considered reimbursable and will be expended primarily for administration, supervision, materials, supplies, and the acquisition of rights-of-way. This latter amount should be obtained from the 1940 water-conservation appropriation. The balance, or \$1,100,000, is not expected to be repaid and is the estimated expenditure for labor, materials, and incidental costs from funds to be obtained from the Work Projects Administration. A tabulation is attached in which is shown a tentative break-down of expenditures from the two funds.

The time required for the construction of the project will depend upon the available relief labor and may extend to 2 or 3 years. The estimate of expenditures of Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to fiscal year 1940. The efficiency with which the work can be constructed under other regulations is unknown. Therefore, the estimate of the funds required from the Work Projects Administration may need revision at some later date.

I recommend that the Bureau of Reclamation undertake the construction of the second division; that the Department of Agriculture conduct the land-development program and the arrangements for settlement, land-use repayment, and project operations; and that the National Resources Planning Board assist in the planning and coordinating field.

I recommend that an additional allotment of \$190,000 from the 1940 water-conservation appropriation be made to the Department of the Interior, Bureau of Reclamation. This amount added to the allotment of \$550,000, which you approved on October 11, 1939, would make a total allocation of \$740,000 from the 1940 water-conservation appropriation for the second division.

I also recommend that the Work Projects Administration be requested to give earnest consideration to the project application, which will be filed by the Bureau of Reclamation to obtain the remaining \$1,100,000 which will be needed for construction of the second division.

The Bureau of Reclamation will reimburse the Department of Agriculture for all services provided in connection with the construction of the project, through transfers or advances from the funds made available to the Bureau of Reclamation. Letters containing the comments of the Department of Agriculture and the Work Projects Administration are enclosed.

It is contemplated that actual construction will not be undertaken until the Department of Agriculture has made sufficient progress either in its efforts to obtain control of the large holdings at prices

which do not exceed appraised valuations, or in its negotiations with the water users for the reduction of large holdings, which will insure the successful operation of the project.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT.

MAY 15, 1940.

Estimate of expenditures, second division, Buffalo Rapids project, Montana

[Area: 11,600 acres]

	General fund appropriation			Work Projects Administration allocation			Total		
	Agri- culture	Inter- ior	Total	Agri- culture	Inter- ior	Total	Agri- culture	Inter- ior	Total
Administration-----	\$25, 000	\$20, 000	\$45, 000	\$9, 000	\$35, 000	\$44, 000	\$34, 000	\$55, 000	\$89, 000
Supervisory, clerical, and technical aid-----	60, 000	90, 000	150, 000	11, 000	45, 000	56, 000	71, 000	135, 000	206, 000
Equipment, materials, supplies and freight----	140, 000	385, 000	525, 000	25, 000	90, 000	115, 000	165, 000	475, 000	640, 000
Land acquisition-----		20, 000	20, 000					20, 000	20, 000
Labor for construction and for land develop- ment-----				180, 000	705, 000	885, 000	180, 000	705, 000	885, 000
Total-----	225, 000	515, 000	740, 000	225, 000	875, 000	1, 100, 000	450, 000	1, 390, 000	1, 840, 000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration allocation are estimates and not limitations.

COMMENT OF DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, March 30, 1940.

THE HONORABLE SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: On October 11, 1939, the President approved the inclusion of the second division of the Buffalo Rapids project in the Great Plains program and its construction under the provisions of the water-conservation and utility projects section of the Interior Department appropriation bill for the fiscal year 1940. You have now prepared a supplemental request for the project, increasing the size from 9,800 acres to 11,600 and making appropriate changes in the estimate of funds required.

I understand that the supervision of land development and settlement, and the determination of the type of farming, size of units, and management necessary for the efficient operation of the project, and the repayment of reimbursable expenditures, plus the actual acquisition of such land interests as may be necessary, the negotiation of contracts for repayment and operation, and the management of the project upon completion are to be the responsibilities of the Department of Agriculture. Using field examination of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practicable on the basis of estimates prepared by your agency as to the amount of reimbursable

funds to be used. It is understood additional nonreimbursable funds will be made available for its construction through the participation of the Work Projects Administration.

It should be agreed that actual construction of the project will not be started until the Department of Agriculture has made sufficient progress with the acquisition of the necessary land, at prices which do not exceed appraised valuation, to insure the successful operation of the project and accomplishment of the aims of the water conservation and utilization program in this area as expressed in the President's letter of June 14, 1939, to the Secretaries of the Interior and Agriculture, and to the Commissioner of the Work Projects Administration, and the report of the northern Great Plains committee of the National Resources Committee of October 14, 1938. It should also be agreed that irrigation water will not be delivered to more than an adequate-sized unit, in the opinion of the Secretary of Agriculture, under an ownership; nor to land operated by tenants unless the Secretary of Agriculture has approved the tenure arrangements, the size and farming condition of the units, the adequacy and condition of home and farmstead buildings and other structures, and the ability of the unit to meet rent and debt payments and provide a decent living for the tenant families.

After completion of the construction, a development period will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Our estimates indicate that the Department of Agriculture will require approximately \$225,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$225,000.

Sincerely yours,

H. A. WALLACE, *Secretary.*

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted to me a copy of a letter requesting the allotment of \$740,000 from the 1940 Water Conservation Appropriation for the construction, by the Bureau of Reclamation, of the second division of the Buffalo Rapids reclamation project in Montana. The Secretary has requested that this Administration participate in the execution of the project in the amount of \$1,100,000 through the furnishing of relief labor and of such materials and equipment as it may be possible to furnish under the provisions of the Emergency Relief Appropriation Act of 1939. This requested participation on the part of the Work Projects Administration exceeds that previously reported to you for this proposed improvement by \$200,000.

As I indicated in my letter of July 22, 1939, relative to the Secretary of the Interior's first request for the participation of this Administration, approximately 550 relief workers can be made available for the execution of this project during the current fiscal year. The

Bureau of Reclamation informs me, however, that additional work is desired upon the first division of the Buffalo Rapids project. This will reduce the number of workers who can be made available for the execution of the second division, since the 550 relief workers originally reported represent the total number who can be assigned to the project as a whole. It will, of course, be impossible for the Work Projects Administration to complete the contemplated work on the second division within this fiscal year and it does not appear advisable to approve at this time a project for the full amount requested of the Work Projects Administration. I shall be glad, however, to give prompt consideration to any application which may be submitted to employ during the current fiscal year that portion of the 550 available relief workers whose services are not required to complete the first division, when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements for the current fiscal year.

As was previously recommended it is contemplated that any allotment of Work Projects Administration funds which may be made for the execution of this project during the fiscal year 1940 be included as a part of the allocations to the Department of the Interior and the Department of Agriculture out of the \$60,000,000 authorized for allocation to other Federal agencies. The proportion in which the allotments should be made to the Department of the Interior and the Department of Agriculture, respectively, for the portions of the project in which the two Departments are interested, should be determined by mutual agreement between the two Departments.

Respectfully yours,

F. C. HARRINGTON, *Commissioner*.

BUFORD-TRENTON PROJECT

Location:

State: North Dakota.

County: Williams.

Project headquarters: Williston.

Transportation: Great Northern Railroad; highways.

History:

Finding of feasibility: The Secretary of the Interior, August 23, 1939.

Comment:

Department of Agriculture, August 7, 1939.

Work Projects Administration, August 7, 1939.

Approved: The President, September 23, 1939, under water conservation appropriation, act of May 10, 1939 (53 Stat. 685).

Construction began: April 1940.

Period of construction: 40 months.

Water supply:

Source: Missouri River.

Facilities: Pumping plant, canal, farm ditches, and drainage.

Lands and agriculture:

Area: 13,400 acres now unsuccessfully dry-farmed.

Average farm unit planned: 90 acres.

Principal crops: Forage and small grains.

Participating agencies:

Bureau of Reclamation, construction of facilities.

Department of Agriculture, land development, settlement, and operations.

Work Projects Administration, labor.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 150.

Families off project, 115.

Total rehabilitation, 265.

Finances:

Estimated construction cost, \$1,500,000.

Bureau of Reclamation, \$1,080,000.

Department of Agriculture, \$420,000.

Reimbursable, \$630,000.

Nonreimbursable, \$870,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 24.

Work Projects Administration, 313.

Total, 337.

Repayment: Reimbursable amount in 40 annual installments after development period.

Operation and maintenance: Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, August 23, 1939.

THE PRESIDENT,
The White House.

(Through the Bureau of the Budget)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act, 1940 contains an item of \$5,000,000 from which allocations may be made by you:

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects, * * * in the Great Plains and arid and semiarid areas of the United States.

All expenditures from the appropriation, and as much of the expenditures from the Work Projects Administration fund as the President determines, are to be considered reimbursable. Hereinafter the appropriation item will be termed the "1940 Water Conservation Appropriation."

A request for an allocation for the second division of the Buffalo Rapids project on the Yellowstone River in Montana was submitted to you recently. Approximately 90 miles downstream from the second division and immediately beyond the confluence with the Missouri River is another area of 13,400 acres of fertile land which could be brought into cultivation by the construction of irrigation works under plans proposed by the Bureau of Reclamation for the Buford-Trenton project. The lands lie on the north side of the Missouri River, in Williams County, N. Dak., and extend from Buford, past Trenton, nearly to Williston. All are river bottom lands of high fertility and are well adapted to irrigation.

The subnormal precipitation in practically every year since 1929 has greatly decreased crop production on dry-farmed lands and caused a marked decline in the agricultural and livestock industry of western North Dakota. A report of the Bureau of Reclamation completed in 1938 showed that in Williams County, the harvested area had decreased more than 400,000 acres, 65 percent of all farms were delinquent in tax payments, the number of horses, cattle, sheep, and hogs had decreased more than 50 percent, and 15,000 out of a total population of 19,000 were supported by direct relief or Federal labor projects.

The project is urgently needed to stabilize the agricultural and livestock industries in the region. Its construction conforms to the intent of the 1940 water-conservation appropriation and has been approved by the Northern Great Plains Committee. I recommend, therefore, that the Buford-Trenton project be built in accordance with the provisions of the 1940 water-conservation-appropriation item.

Water for the irrigation of the project lands will be obtained from the Missouri River. The principal features to be constructed are a pumping plant of 30-foot maximum lift and 245 cubic feet per second capacity, 15 miles of main canal of 250 cubic feet per second initial capacity, 6 miles of laterals and several sublaterals, all necessary farm ditches, and a drainage system. Rough-land leveling also will be included in the construction program. Electrical energy required for pumping will be obtained from the plant to be installed at the Fort Peck Dam and will be delivered by transmission lines already in

existence or to be erected by the Bureau of Reclamation with funds specifically appropriated for that purpose.

The crops which will be raised on the project primarily will be forage and small grain to be used in the support of the livestock industry. The main line of the Great Northern Railroad passes through Buford, Trenton, and Williston, thus providing ready access to markets. Any large land holdings will be divided into farm units of more desirable size and a part of the project will be settled with destitute, drought-stricken farmers. Settlement will be guided and education will be given in irrigation procedure. Control of the land is expected to be obtained through option agreement or purchase, using funds already available to the Department of Agriculture. An irrigation district, or similar type of organization, will be formed to contract for the collection of construction charges and to operate the project after it is constructed.

The estimated cost of construction is \$1,500,000. The experience of the Bureau of Reclamation on projects which are similarly situated indicates that the water users will be able to repay at least \$630,000 of this amount over a period of 40 years, and in addition to carry the annual cost for electrical energy, other operation and maintenance and any land-purchase charges. This sum should be obtained from the 1940 water-conservation appropriation and be expended primarily for administration, supervision, materials, supplies, and rights-of-way. The remaining amount of \$870,000 required to construct the project is expected to be provided by the Work Projects Administration and to be expended largely for relief labor. A tabulation is attached in which is shown a tentative break-down of expenditures from the two funds. The estimate of expenditures from Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to fiscal year 1940. The efficiency with which the work can be conducted under the new Work Projects Administration Act is unknown. Therefore, the estimate of Work Projects Administration funds required may need revision at some later date.

I recommend that the construction of the Buford-Trenton project be undertaken by the Bureau of Reclamation; that the land-development program and the arrangements for settlement, repayment, and project operation be conducted by bureaus of the Department of Agriculture; and that assistance be given by the National Resources Planning Board in the planning and coordinating field.

I recommend that an allocation of \$630,000 from the 1940 water-conservation appropriation be made to the Department of the Interior, Bureau of Reclamation, and that the Work Projects Administration be requested to give prompt consideration to the project applications which will be filed by the Bureau of Reclamation to secure the remaining \$870,000 needed for the construction of the Buford-Trenton project.

The Department of Agriculture and the National Resources Planning Board will be reimbursed for all services connected with the construction of the project by transfers or advances from the funds made available to the Department of the Interior, Bureau of Reclamation, for construction of the project. Letters containing the comments of the Department of Agriculture and the Work Projects Administration are enclosed.

It is contemplated that actual construction will not be started until the Department of Agriculture has made sufficient progress in its effort to obtain control of the land, at prices which do not exceed appraised valuations, to insure the successful operation of the project. The time required for the construction of the project will depend largely on the availability of relief labor and may extend to 2 or 3 years.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT.
President.

SEPTEMBER 23, 1939.

Estimated expenditures, Buford-Trenton project, North Dakota

[Area: 13,400 acres]

	General fund appropriation			Work Projects Administration allocation			Total		
	Agri-culture	Interior	Total	Agri-culture	Interior	Total	Agri-culture	Interior	Total
Administration.....	\$10,000	\$20,000	\$30,000	\$8,000	\$15,000	\$23,000	\$18,000	\$35,000	\$53,000
Supervisory, clerical, and technical aid.....	75,000	50,000	125,000	12,000	20,000	32,000	87,000	70,000	157,000
Equipment, materials, supplies and freight....	135,000	325,000	460,000	30,000	855,000	85,000	165,000	380,000	545,000
Land acquisition.....		15,000	15,000					15,000	15,000
Labor for construction and for land development.....				150,000	580,000	730,000	150,000	580,000	730,000
Total.....	220,000	410,000	630,000	200,000	670,000	870,000	420,000	1,080,000	1,500,000

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, D. C., August 7, 1939.

The honorable, the SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: Under the water-conservation and utility projects section of the Interior Department appropriation bill for the fiscal year 1940, you have prepared a request to the President for allocations to construct the Buford-Trenton project on the Missouri River in Williams County, N. Dak.

I understand that the supervision of land development and settlement, and the determination of the type of farming, size of units and management necessary for the efficient operation of the project, and the repayment of reimbursable expenditures, plus the actual acquisition of such land interests as may be necessary, the negotiation of contracts for repayment and operation, and the management of the project upon completion are to be the responsibilities of the Department of Agriculture. Using field examination of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practical on the basis of estimates prepared by your agency as to the amount of reimbursable funds to be used. It is understood additional nonreim-

bursable funds will be made available for its construction through the participation of the Work Projects Administration.

It should be agreed, however, that actual construction of the project will not be started until the Department of Agriculture has made sufficient progress with the acquisition of the necessary land, at prices which do not exceed appraised valuations, to insure the successful operation of the project.

After completion of construction, a development period of several years will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Our estimates indicate that the Department of Agriculture will require approximately \$220,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$200,000.

Sincerely yours,

HARRY L. BROWN, *Acting Secretary.*

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., August 7, 1939.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted to me a copy of a letter requesting the allotment of \$630,000 from the 1940 water conservation appropriation for the construction by the Bureau of Reclamation of the Buford-Trenton irrigation project located on the north bank of the Missouri River in Williams County, N. Dak. The Secretary has requested that this Administration participate in the execution of the project in the amount of \$750,000 through the furnishing of relief labor and of such materials and equipment as it may be possible to furnish under the provisions of the Emergency Relief Appropriation Act of 1939.

The Work Projects administrator for North Dakota reports that the average number of relief workers who can be made available for the execution of this project during the current fiscal year is 420. This average will be obtained through the assignment of increasing numbers of workers until the month of December when 550 men will be assigned for the balance of the fiscal year. With this limited supply of available relief labor it would be impossible for the Work Projects Administration to complete the contemplated work within a year. Accordingly it does not appear advisable to approve at the present time a project for the full amount requested from the Work Projects Administration. I should be glad, however, to give prompt consideration to any application which may be submitted to employ an average of 420 relief workers on the Buffalo Rapids project when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements of the project during the current fiscal year.

It is recommended that, if possible, any allotment of Work Projects Administration funds which may be made for the execution of this project during the fiscal year 1940 be taken from the quotas of Federal agency appropriations assigned to the Department of the Interior and the Department of Agriculture respectively for the portions of the project in which the two departments are interested. If such allocations are not feasible, applications may be submitted for operation within the State Work Projects Administration in North Dakota.

Respectfully yours,

F. C. HARRINGTON, *Commissioner*.

BISMARCK PROJECT

Location:

State: North Dakota.

County: Burleigh.

Project headquarters: (Not established).

Transportation: Northern Pacific and Minneapolis, St. Paul and Sault Ste. Marie Railway.

History:

Finding of feasibility: Secretary of the Interior, April 5, 1940.

Comment:

Work Projects Administration (undated).

Department of Agriculture, March 30, 1940.

Approved: The President, April 26, 1940, under act of May 10, 1939 (53 Stat. 685).

Construction begins: Spring of 1941 (possibly).

Period of construction: 24 months.

Water supply:

Source: Missouri River.

Facilities: Pumping plant, canals, laterals, and farm ditches.

Lands and agriculture:

Area: 4,800 acres unsuccessfully dry farmed.

Size farm unit planned: 80 acres.

Principal crops: Hay and other feed crops, small grains, and vegetables.

Participating agencies:

Bureau of Reclamation, construction of pumping plant, canal, and distribution system.

Department of Agriculture, land development, settlement, operation and maintenance.

Work Projects Administration, labor and small amount of materials.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 60.

Families off project, 30.

Total rehabilitation, 90.

Finances:

Estimated construction cost, \$590,000.

Bureau of Reclamation, \$350,000.

Department of Agriculture, \$240,000.

Reimbursable, \$250,000.

Nonreimbursable, \$340,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 20.

Work Projects Administration, 300.

Total, 320.

Repayment: Reimbursable amount in 40 annual installments after development period.

Operation and maintenance: Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, April 5, 1940.

The PRESIDENT,

The White House.

(Through the Bureau of the Budget)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act, 1940, contains an appropriation of \$5,000,000 from which allocations may be made by you—

For construction, in addition to labor and materials to be supplied by the Work Projects Administration, of water conservation and utilization projects, * * * in the Great Plains and arid and semiarid areas of the United States.

All expenditures from the appropriation and as much of the expenditures from the funds of the Work Projects Administration as the President directs are to be repaid. Hereinafter the appropriation item will be termed the "1940 water conservation appropriation."

The Bismarck irrigation project near Bismarck in Burleigh County, N. Dak., is the type of project that is contemplated to be constructed under the provisions of this item. It is included in the projects recommended by the Northern Great Plains Committee in its 1938 report to you, and, subject to the provisions contained herein, I concur in this recommendation.

The lands to be irrigated, comprising approximately 4,800 acres, are situated on the east side of the Missouri River, directly south of Bismarck. They lie in a strip from 1½ to 2 miles wide between the Missouri River and a high bench to the east. Water for irrigation is to be obtained from the Missouri River, pumped to a height of approximately 20 feet, and conveyed to the land by 10 miles of canals and a system of laterals, sublaterals, and farm ditches. It is planned to secure electrical energy for pumping from the North Dakota Power & Light Co.

A market for crops will be provided by the city of Bismarck and access to other markets will be furnished by the main line of the Northern Pacific and a branch line of the Minneapolis, St. Paul & Sault Ste. Marie Railway which pass through Bismarck. The crops will include hay and other feed crops, small grains, and vegetables. Dairying probably will become an important industry.

Some of the land holdings are in large tracts, and it will be desirable to subdivide these to the extent that not more than an adequate-sized unit of irrigable lands, in the opinion of the Secretary of Agriculture, is held in one ownership, and tenancy on irrigated lands should be permitted only if the best use of the land and the interests of the tenants are assured. A considerable part of the project will be settled with distressed drought-stricken farmers.

Partial flooding of the area has occurred during the icebreak in the early spring months, or during the flood crest in early summer, for 12 of the last 57 years. Serious damage to the irrigation system would not occur from the overflow, but it would be detrimental to houses and other improvements in the project and cause some damage to crops. The overflow can be prevented by a levee along the river bank, and the Corps of Engineers, United States Army, is now investigating the feasibility of a levee project. It would be desirable to place the

settlers directly on the lands, but if flood control is found to be infeasible, the project may be developed as a community type, the farmers' homes and other buildings being located on the high ground immediately to the east of the irrigable lands.

Construction of the irrigation features should be undertaken by the Bureau of Reclamation, which has already completed plans and preliminary designs. Bureaus of the Department of Agriculture are expected to arrange for settlement, repayment of reimbursable charges, and the operation and maintenance of the project. The Department of Agriculture will include farm ditches and rough land leveling in the construction program and will obtain control of the lands by purchase and subsequent sale or lease to the settlers. Funds for the purchase of the lands are already available to the Department of Agriculture.

The total estimated cost of construction is \$590,000. The experience of the Bureau of Reclamation on projects which are similarly located indicates that the water users will be able to repay at least \$250,000 of this amount over a period of 40 years and in addition carry the annual cost for electrical energy, other operation and maintenance, and probably all land-purchase charges. This latter sum should be obtained from the 1940 water conservation appropriation and be expended primarily for administration, supervision, materials, supplies, and rights-of-way. The remaining amount of \$340,000 required to construct the project is expected to be provided by the Work Projects Administration and to be expended largely for relief labor. A tabulation is attached in which is shown a tentative break-down of expenditures from the two funds. The estimate of expenditures from Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to the fiscal year 1940. The efficiency with which the work can be conducted under the present Work Projects Administration Act is not known. Therefore, the estimate of Work Projects Administration funds may need revision at some later date.

I recommend that the construction of the Bismarck project be undertaken by the Bureau of Reclamation; that the land development program and the arrangements for settlement, repayment, and operation and maintenance be conducted by the Department of Agriculture; and that assistance be given by the National Resources Planning Board in the planning and coordinating field.

I recommend that an allocation of \$250,000 from the 1940 water conservation appropriation be made to the Department of the Interior, Bureau of Reclamation, and that the Work Projects Administration be requested to give prompt consideration to the project's application, which will be filed by the Bureau of Reclamation, to secure the remaining \$340,000 needed for construction of the Bismarck project. The allocation from the 1940 water conservation appropriation is, of course, to be reimbursable, as required by law. The extent that funds expended on the project beyond this allocation can be made reimbursable will be made the subject of a further report and recommendation to you when the project is completed.

The Department of Agriculture and the National Resources Planning Board will be reimbursed for all services connected with the construction of the project by transfers or advances from the funds made available to the Department of the Interior, Bureau of Reclamation, for construction of the project.

Letters containing the comments of the Department of Agriculture and the Work Projects Administration are enclosed.

Actual construction will not be started until the Department of Agriculture has made sufficient progress in its efforts to obtain control of the land at prices which do not exceed appraised valuation, to insure the successful operation of the project. The time required for construction will depend largely on the availability of relief labor but probably will not exceed 2 years.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT.

APRIL 26, 1940.

Estimate of expenditures, Bismarck project, North Dakota

[Area: 4,800 acres]

	General fund appropriation			Work Projects Administration allocation			Total		
	Agriculture	Interior	Total	Agriculture	Interior	Total	Agriculture	Interior	Total
Administration	\$9,000	\$6,000	\$15,000	\$4,000	\$8,000	\$12,000	\$13,000	\$14,000	\$27,000
Supervisory, clerical, and technical aid	35,000	25,000	60,000	7,000	10,000	17,000	42,000	35,000	77,000
Equipment, materials, supplies, and freight	76,000	94,000	170,000	12,000	22,000	34,000	88,000	116,000	204,000
Land acquisition		5,000	5,000					5,000	5,000
Labor				97,000	180,000	277,000	97,000	180,000	277,000
Total	120,000	130,000	250,000	120,000	220,000	340,000	240,000	350,000	590,000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration allocations are estimates and not limitations.

COMMENT OF DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, March 30, 1940.

The Honorable SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: Under the water conservation and utility projects section of the Interior Department appropriation bill for the fiscal year 1940, you have prepared a request to the President for allocations to construct the Bismarck irrigation project on the Missouri River in Burleigh County, N. Dak.

I understand that the supervision of land development and settlement, and the determination of the type of farming, size of units, and management necessary for the efficient operation of the project, and the repayment of reimbursable expenditures, plus the actual acquisition of such land interests as may be necessary, the negotiation of contracts for repayment and operation, and the management of the project upon completion are to be the responsibilities of the Department of Agriculture. Using field examination of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practicable on the basis of estimates prepared by your agency as to the amount of reimbursable

funds to be used. It is understood additional nonreimbursable funds will be made available for its construction through the participation of the Work Projects Administration.

The Corps of Engineers, United States Army, has been informed of the probable damage to be anticipated if flood control is not provided. The need for this feature gives us considerable concern, and we hope that it can be made available, at no additional cost to the farmers, by the time the project is completed.

It should be agreed that actual construction of the project will not be started until the Department of Agriculture has made sufficient progress with the acquisition of the necessary land, at prices which do not exceed appraised valuation, to insure the successful operation of the project and the accomplishment of the aims of the water conservation and utilization program in this area as expressed in the President's letter of June 14, 1939, to the Secretaries of the Interior and Agriculture, and to the Commissioner of the Work Projects Administration, and the report of the northern Great Plains committee of the National Resources Committee of October 14, 1938. It should also be agreed that irrigation water will not be delivered to more than an adequate-sized unit, in the opinion of the Secretary of Agriculture, under an ownership; nor to land operated by tenants unless the Secretary of Agriculture has approved the tenure arrangements, the size and farming condition of the units, the adequacy and conditions of home and farmstead buildings and other structures, and the ability of the unit to meet rent and debt payments and provide a decent living for the tenant families.

After completion of construction, a development period will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Our estimates indicate that the Department of Agriculture will require approximately \$120,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$120,000.

Sincerely yours,

H. A. WALLACE, *Secretary.*

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted to me a copy of a letter requesting the allotment of \$250,000 from the 1940 water conservation appropriation for the construction by the Bureau of Reclamation of the Bismarck irrigation project in North Dakota. The Secretary has requested that this Administration participate in the execution of the project in the amount of \$340,000 through the furnishing of relief labor and of such materials and equipment as it may be possible to furnish under the provisions of the Emergency Relief Appropriation Act of 1939.

The Work Projects administrator for North Dakota reports that at least 300 certified workers can be made available for the execution of this project during the current fiscal year. With the limited supply available relief labor, it would be impossible for the Work Projects Administration to complete the contemplated work within a year. Accordingly, it does not appear advisable to approve at the present time a project for the full amount requested from the Work Projects Administration. I should be glad, however, to give prompt consideration to any application which may be submitted to employ approximately 300 relief workers on the Bismarck project when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements of the project during the current fiscal year.

It is recommended that, if possible, any allotment of Work Projects Administration funds which may be made for the execution of this project during the fiscal year 1940 be taken from the quotas of Federal agency appropriations assigned to the Department of the Interior and the Department of Agriculture respectively for the portions of the project in which the two Departments are interested. If such allocations are not feasible, applications may be submitted for operation within the State Work Projects Administration in North Dakota.

Respectfully yours,

F. C. HARRINGTON, *Commissioner*.

EDEN PROJECT

Location:

State: Wyoming.

County: Sweetwater.

Project headquarters: Rock Springs, Wyo.

Transportation: Highways.

History:

Finding of feasibility: Secretary of the Interior, August 7, 1940.

Comment:

Department of Agriculture, July 11, 1940.

Work Projects Administration, July 8, 1940.

Approved: President, September 18, 1940, under 1940 Water Conservation Appropriation, Act of May 10, 1939 (53 Stat. 685).

Construction begins: Spring of 1941.

Period of construction: 48 months.

Water supply:

Source: Little and Big Sandy Creeks.

Facilities: New reservoir, outlet canal, rehabilitation of canals and distribution system, and drainage system.

Lands and agriculture:

Area: 20,000 acres where irrigation facilities require rehabilitation.

Average farm unit planned: 135 acres.

Principal crops: Alfalfa, sweet clover, grains.

Participating agencies:

Bureau of Reclamation, construction and rehabilitation of facilities.

Department of Agriculture, land development, settlement, repayment and project operations.

Work Projects Administration and Civilian Conservation Corps, labor.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 150.

Families off project, 70.

Total rehabilitation, 220.

Finances:

Estimated construction cost, \$2,445,000.

Bureau of Reclamation, \$2,045,000.

Department of Agriculture, \$400,000.

Reimbursable, \$1,200,000.

Nonreimbursable, \$1,245,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 20.

Work Projects Administration and Civilian Conservation Corps, 750.

Total, 770.

Repayment: Reimbursable amount in 40 annual installments after development period.

Operation and maintenance: Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL

EDEN PROJECT

THE SECRETARY OF THE INTERIOR,
Washington, August 7, 1940.

The PRESIDENT,
The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act, 1940, contains an appropriation of \$5,000,000, from which allocations may be made by you:

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects, * * * in the Great Plains and arid and semiarid areas of the United States.

All expenditures from the appropriation, and as much of the expenditures from the Work Projects Administration funds as you determine, are to be considered reimbursable. Hereinafter the appropriation item will be termed the "1940 water conservation appropriation."

The Eden irrigation project in Sweetwater County in southwestern Wyoming, near the town of Eden, is the type of project that is contemplated to be constructed under the provisions of this item. This project was originally constructed to irrigate about 30,000 acres and was settled in 1910. Due in part to improper construction of irrigation works there are now only 9,000 acres in cultivation. It is proposed to construct storage works, build a drainage system, and rehabilitate the distribution system to serve 20,000 acres. The Farm Security Administration has found that there are opportunities to settle many distressed farm families on the project. The Work Projects Administration has reported that more than 400 workers who are living within 200 miles of the project could be made available, provided suitable camp and transportation facilities were furnished. However, it is believed that construction will be more efficient if a part of the work is accomplished by forces from the Civilian Conservation Corps. Consequently, plans are being made to obtain the services of two Civilian Conservation Corps camps.

The lands to be irrigated are situated along both sides of Little and Big Sandy Creeks at and above their confluence. The soils of the project are predominantly sandy loams and under irrigation are capable of furnishing good yields of alfalfa, sweet clover, grains, and similar crops. The surrounding country contains some excellent range land. The principal industry of the present project is dairying, a ready market for the products of which is found at Rock Springs, Wyo. The Eden project is not situated on a railroad but a new Federal highway passes through the project area, connecting it with the city of Rock Springs.

The existing irrigation facilities comprise the Eden Reservoir of 12,300 acre-feet capacity, four small reservoirs at the headwaters of Big Sandy Creek of 2,500 acre-feet aggregate capacity, the Eden

Canal of 20 miles length and a comprehensive system of laterals. The plan of development includes the construction of a new reservoir on Big Sandy Creek, as the investigations indicate that this will be more economical than the rehabilitation of the existing dam. It will be necessary to construct a 4-mile outlet canal to rehabilitate the present canal and distribution system, and to construct a drainage system for the entire 20,000 acres. The development program will also include the necessary rough land leveling.

The estimated cost of construction and land development, including the building of all irrigation structures, rough leveling and re-settlement costs is \$2,445,000. The Department of Agriculture has made a survey of the project, and states its belief that the water users will be able to repay \$1,200,000 of this amount over a period of 40 years, and in addition, to carry the annual costs for operation and maintenance. This reimbursable sum should be obtained from the 1940 water-conservation appropriation. The remaining amount of \$1,245,000 required to construct the project is expected to be provided by the Work Projects Administration and the Civilian Conservation Corps. A tabulation is attached in which is shown a tentative break-down of expenditures from the three funds. The estimate of expenditures from Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to the fiscal year 1940. The efficiency is unknown with which the work can be constructed under the present regulations and those that may be placed in effect before the work is done. Therefore, the estimate of Work Projects Administration funds required may need revision at some later date.

I recommend that the Bureau of Reclamation undertake the construction of the Eden project; that appropriate bureaus of the Department of Agriculture conduct the land-development program and the arrangements for settlement, repayment, and project operations; and that the National Resources Planning Board assist in the planning and coordinating field.

I recommend that the allocation of \$1,200,000 from the 1940 water-conservation appropriation be made to the Department of the Interior, Bureau of Reclamation, and that the Work Projects Administration be requested to give earnest consideration to the project applications which will be filed by the Bureau of Reclamation to obtain assistance in the construction of the Eden project.

The Bureau of Reclamation will reimburse the Department of Agriculture and the National Resources Planning Board for all services provided by these two agencies in connection with the construction of the project through transfers or advances from the funds made available to the Bureau of Reclamation.

The Acting Secretary of the Department of Agriculture has recommended, and I am in accord with his recommendations, that the following conditions as to excess and tenant-operated lands should apply to this project:

1. *No water for excess lands.*—Water will not be delivered for use upon lands under one ownership in excess of an adequate sized unit to be determined by the Secretary of Agriculture. Excess lands to be eligible for the delivery of water must be sold at not to exceed the Government appraised price. In the event that the owner of lands in excess of an adequate sized unit has a water right

which partially satisfies his needs for an adequate sized unit, he will be delivered only sufficient additional water to fully satisfy his needs upon his specifically designated adequate sized unit.

2. *Water delivery for lands in tenant-operator status.*—Water for an adequate sized unit will be permitted for use on land operated by tenants, only when the Secretary of Agriculture has approved the tenure arrangements, adequacy and condition of home and farmstead buildings and other structures, and the condition and ability of the land to meet rent and debt payments and provide a decent living for the tenant families.

He estimates that the Department of Agriculture will require approximately \$200,000 for its participation, in addition to a Work Projects Administration contribution of about \$225,000. This latter sum is \$25,000 in excess of estimates made of funds required from the Work Projects Administration and Civilian Conservation Corps allocations, as shown on the attached tabulation entitled "Estimate of expenditures." However, it is believed that the additional work indicated by the increase can be readily accomplished either by Work Projects Administration or Civilian Conservation Corps forces after the completion of the work proposed in this letter.

It is contemplated that actual construction will not be undertaken until the Department of Agriculture has made sufficient progress in an effort to obtain control of the large holdings at prices which do not exceed appraised valuations to insure the successful operation of the project. The time required for the construction of the project will depend largely on the availability of Civilian Conservation Corps camps and relief labor and may extend to 3 or 4 years.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:
September 18, 1940.

FRANKLIN D. ROOSEVELT.

Estimate of expenditures, Eden project, Wyoming, June 26, 1940

[Area: 20,000 acres]

	General fund appropriation			Work Projects Administration allocation			Civilian Conservation Corps allocation			Totals		
	Agri-culture	Interior	Total	Agri-culture	Interior	Total	Agri-culture	Interior	Total	Agri-culture	Interior	Total
Administration.....	\$15,000	\$50,000	\$65,000	-----	-----	-----	-----	-----	-----	-----	-----	-----
Supervisory, clerical, and technical aid.....	20,000	100,000	120,000	-----	\$20,000	\$20,000	\$5,000	\$20,000	\$25,000	\$20,000	\$70,000	\$90,000
Equipment, materials, supplies, and freight.....	145,000	700,000	845,000	5,000	40,000	45,000	20,000	85,000	105,000	45,000	215,000	260,000
Land acquisition.....	-----	30,000	30,000	-----	-----	-----	15,000	80,000	95,000	165,000	820,000	985,000
Labor for construction and land development.....	20,000	100,000	120,000	65,000	400,000	465,000	85,000	340,000	425,000	170,000	30,000	30,000
Operation and maintenance during construction.....	-----	20,000	20,000	-----	30,000	30,000	-----	20,000	20,000	-----	840,000	1,010,000
Total.....	200,000	1,000,000	1,200,000	75,000	500,000	575,000	125,000	545,000	670,000	400,000	2,045,000	2,445,000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration and Civilian Conservation Corps allocations are estimates and not limitations.

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, July 11, 1940.

The Honorable SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: Under the water conservation and utility projects section of the Interior Department appropriation bill for the fiscal year 1940, you have prepared a request to the President for allocations to construct the Eden Valley project in Sweetwater County, Wyo.

I understand that the supervision of land development and settlement, and the determination of the type of farming, size of units and management necessary for the efficient operation of the project, and the repayment of reimbursable expenditures, plus the actual acquisition of such land and other interests as may be necessary, the negotiation of contracts for repayment and operation, and the management of the project upon completion are to be the responsibilities of the Department of Agriculture. Using field examinations of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practicable on the basis of estimates prepared by your agency as to the amount of reimbursable funds to be used. It is understood additional nonreimbursable funds will be made available for its construction through the participation of the Work Projects Administration.

It should be agreed that the following conditions as to excess and tenant operated lands should apply to this project:

1. *No water for excess lands.*—Water will not be delivered for use upon lands under one ownership in excess of an adequate sized unit to be determined by the Secretary of Agriculture. Excess lands to be eligible for the delivery of water must be sold at not to exceed the Government appraised price. In the event that the owner of lands in excess of an adequate sized unit has a water right which partially satisfies his needs for an adequate sized unit, he will be delivered only sufficient additional water to fully satisfy his needs upon his specifically designated adequate sized unit.

2. *Water delivery for lands in tenant-operator status.*—Water for an adequate sized unit will be permitted for use on lands operated by tenants, only when the Secretary of Agriculture has approved the tenure arrangements, adequacy and condition of home and farmstead buildings and other structures, and the condition and ability of the land to meet rent and debt payments and provide a decent living for the tenant families.

After completion of construction, a development period of several years will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Our estimates indicate that the Department of Agriculture will require approximately \$200,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$225,000.

Sincerely yours,

GROVER B. HILL, *Acting Secretary.*

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., July 8, 1940.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted a copy of a letter requesting the allotment of \$1,200,000 from the 1940 water conservation appropriation for the rehabilitation of the present distribution system and the construction of new irrigation works by the Bureau of Reclamation for the Eden irrigation project, near the town of Eden, Sweetwater County, Wyo. The Secretary has requested that this Administration and the Civilian Conservation Corps participate in the execution of the project in the amount of \$1,245,000. The amount of participation expected to be provided by this Administration, evidenced in the tabulation accompanying the letter requesting the allotment, is \$575,000, through the furnishing of relief labor and of such materials and equipment as it may be possible to furnish under the provisions of the Emergency Relief Appropriation Act, fiscal year 1941.

As is indicated in the Secretary's letter, the time required for the construction of the project will depend largely on the availability of Civilian Conservation Corps camps and relief labor, and may extend to 3 or 4 years.

The Work Projects administrator for Wyoming reports that the average number of certified workers who can be made available for the execution of this project during the current fiscal year, provided suitable camp and transportation facilities are furnished, is approximately 400 who are living within 200 miles of the project. With this limited supply of available relief labor, it would be impossible for the Work Projects Administration to complete its portion of the contemplated work within a year. Accordingly, it does not appear advisable to approve, at the present time, a project for the full amount requested from the Work Projects Administration. I shall be glad, however, to give prompt consideration to any application which may be submitted to employ an average of 400 relief workers on the Eden project, when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements of the project during the current fiscal year.

Respectfully yours,

HOWARD O. HUNTER,
Acting Commissioner.

RAPID VALLEY PROJECT

Location:

State: South Dakota.

County: Pennington.

Project headquarters: Rapid City.

Transportation: Chicago, Milwaukee, St. Paul and Pacific Railroad, and State Highway No. 40.

History:¹

Findings of feasibility: The Secretary of the Interior, October 2, 1939; October 21, 1940.

Comment:

Department of Agriculture, September 18, 1939, and September 10, 1940.

Work Projects Administration, September 7, 1939, and September 27, 1940.

Approved: The President, November 8, 1939, under 1940 water conservation appropriation, act of May 10, 1939 (rescinded in part, September 18, 1940), and on October 25, 1940, under act of August 11, 1939 (53 Stat. 1418), as amended October 14, 1940 (Public, 848, 76th Cong., 3d sess.).

Construction begins: Spring of 1941.

Period of construction: 60 months.

Water supply:

Source: Rapid Creek.

Facilities planned: Pactola Dam with 14,000 acre-feet capacity of which 10,000 acre-feet are reserved for Rapid City water supply.

Lands and agriculture:

Area: 12,000 acres now inadequately irrigated.

Average farm unit planned: 100 acres.

Principal crops: Hay, alfalfa, sugar beets.

Participating agencies:

Bureau of Reclamation, construction of dam.

Department of Agriculture, land-use readjustment, preparation and settlement.

Work Projects Administration, labor.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 120.

Families outside project, 45.

Total rehabilitation, 165 families.

¹ Due to unanticipated delays in negotiations, \$900,000 of an original reimbursable allotment of \$980,000 was rescinded by the President on September 18, 1940. A recommendation of the Secretary of the Interior for reauthorization under subsequent legislation was approved by the President October 25, 1940. Correspondence in connection with the original authorization was largely identical with that printed herewith in connection with the current authorization.

Finances:

Estimated total construction cost, \$2,910,000.

Bureau of Reclamation, \$2,740,000.

Department of Agriculture, \$170,000.

Reimbursable, \$1,230,000.

Nonreimbursable, \$1,680,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture..... 22

Work Projects Administration..... 340

Civilian Conservation Corps..... 400

Total 762

Repayment: Reimbursable amount in 40 annual installments:
Rapid City, \$500,000 for municipal water supply. Water users,
\$730,000 after development period.

Operation and maintenance (storage works): Bureau of Reclamation.

FINDING OF FEASIBILITY AND APPROVAL BY THE PRESIDENT

THE SECRETARY OF THE INTERIOR,

Washington, October 21, 1940.

The PRESIDENT,

The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: Recently you rescinded \$900,000 of the \$980,000 which you had previously allotted under the act of May 10, 1939 (53 Stat. 685), to the Rapid Valley project in South Dakota, in order that a part of the amount rescinded could be allocated to the Eden project in Wyoming. This had been done for the reason that construction of the Rapid Valley project had been delayed by various negotiations, and it was desirable to commence construction of the Eden project with the least possible delay.

Negotiations on the Rapid Valley project have taken a favorable turn, and it is now believed that actual construction can be undertaken in the near future. The project is suitable for construction under the provisions of the act of August 11, 1939 (53 Stat. 1418), as amended, and it is planned, with your approval, to proceed with construction under the terms of this act and with funds made available for this purpose in the 1941 Interior Department Appropriation Act. Therefore, I am submitting this report on the project in accordance with the requirements of the act of August 11, 1939, as amended, and I request your approval of the findings and certifications contained herein.

PROJECT PLAN

The proposed work involves the construction of a reservoir of 40,000 acre-feet capacity at the Pactola site on Rapid Creek to supplement the water supply for 12,000 acres of land and to provide a municipal water supply for Rapid City. The principal engineering feature will be an earth and rock fill dam 157 feet in maximum height and 1,100 feet in crest length, located 15 miles upstream from Rapid City. The water distribution system for the project has already been con-

structed, but it is planned to provide certain drainage works in the present program.

The lands to be irrigated are located along Rapid Creek in Pennington County and extend downstream from Rapid City to Farmdale. The area has been irrigated for the past 30 years or more by 11 canals which divert water directly from Rapid Creek. In nearly all years the stream flow is inadequate after the passing of the spring floods, and, as a consequence, it is only practicable to raise native hay or other early maturing plants, although the soil and climate are adapted to the growing of a large variety of crops. A supplemental supply of irrigation water would provide protection from drought and permit more diversified farming, thus stabilizing the agricultural industry in this community. Rapid City, an important commercial and recreational center of the Black Hills region, is in urgent need of an additional water supply for its present population of 12,000 people and for the increase in demand as the city grows in population. Storage in the reservoir of 10,000 acre-feet of water will be reserved for municipal supply.

PARTICIPATION OF FEDERAL AGENCIES

Construction of the Pactola Dam, reservoir, and appurtenant works and the drainage system is expected to be accomplished by the Department of the Interior through the Bureau of Reclamation. The present plan, subject to change, is that the Bureau of Reclamation also will operate the dam after it is built and negotiate contracts with the water users for the repayment of construction charges.

A large part of the project area has been cultivated, but further development will be needed in order to conform to the new farm practices made possible by a dependable water supply. Land will need to be leveled in some sections. It will be necessary to dig additional farm ditches on account of the subdivision of large land-holdings and in order to obtain the most efficient use of the water supply. This work is expected to be done by the Department of Agriculture, which is also expected to arrange for settlement and operation and maintenance of the distribution and drainage works on the project, and for repayment to the Government of the charges for land development and resettlement. The Department of Agriculture has indicated that it plans to acquire the excess lands with funds already available, to divide the lands into units of economic size, and to settle a part of the lands with farmers from drought-stricken areas. The proposed participation of the Department of Agriculture is discussed in a letter to me dated September 19, 1940, and that Department has advised that this letter, a copy of which is enclosed, may be used as its report to you. Until appropriations are made to the Department of Agriculture for its participation, it is planned that allocations from appropriations made under the authority of the act of August 11, 1939 (53 Stat. 1418), will be made to the Bureau of Reclamation and that the Department of Agriculture will be reimbursed for services by the Bureau of Reclamation through transfers or advancement of funds from the allocations.

The Work Projects Administration and the Civilian Conservation Corps will expect to provide most of the labor and a small amount of materials, supplies, and equipment. A report to you from the

Work Projects Administration on the extent of its proposed participation is enclosed.

ESTIMATED COST

The total estimated cost of the dam, reservoir, and appurtenant features, drainage and land-development program is \$2,910,000, of which \$80,000 have already been allotted by you from the Interior Department Appropriation Act of 1940, \$1,150,000 are expected to be obtained from appropriations made and to be made under the authority of the act of August 11, 1939, and the amendments thereto, the expenditures therefrom to be within the limitations provided in sections 1 and 9 of the act, as amended, and \$1,680,000, through work accomplished by the Work Projects Administration or the Civilian Conservation Corps or both. The construction of works by the Bureau of Reclamation will require \$2,740,000, and the work to be done by the Department of Agriculture, \$170,000. Out of the \$3,500,000 made available by the Interior Department Appropriation Act of 1941, it is estimated that \$300,000 will be needed for work to be accomplished in the fiscal year 1941.

A tabulation giving the estimated break-down of expenditures is attached. This shows the total estimated expenditures and the proportionate part of these expenditures expected to be made through the use of (1) the unrescinded remainder (\$80,000) of the allocation made under the act of May 10, 1939; and (2) the funds expected to be obtained from appropriations made to carry out the provisions of the act of August 11, 1939, and the amendments thereto (\$1,150,000). The estimated construction cost has been increased over that previously given on account of the addition of drainage, the rise in commodity prices, and the higher appraisal of the rights-of-way over that contained in the engineer's report of November 1937, when the first estimate was made. The estimate of expenditures from Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to the fiscal year 1940. The efficiency with which the work can be conducted under more recent regulations is unknown. Therefore, the estimate of required Work Projects Administration funds may need revision at a later date.

If forces from the Civilian Conservation Corps are used, the amount to be expended for the work by the Work Projects Administration and the Civilian Conservation Corps is estimated to be equal to that shown for expenditure by the Work Projects Administration in the tabulation. However, the break-down under the various features would probably not be the same due to the differences in administrative procedures of the two agencies and the legislation which applies to them.

The estimated cost of the reservoir includes \$350,000 for the relocation of a railroad. Of this amount approximately \$175,000 are expected to be obtained from reimbursable appropriations and used to compensate the present owners for abandonment of the railroad or to furnish the labor and supplies required to supplement the contributions from the Work Projects Administration or the Civilian Conservation Corps in the relocation of the railroad. Negotiations for the abandonment or relocation of the railroad will be conducted

with the expectation of keeping the expenditure of reimbursable funds within this estimate.

ALLOCATION OF COSTS

The total estimated cost of the proposed construction can be properly allocated to irrigation and to municipal water supply. The reservoir will provide some flood control. There are no opportunities for profitable power development and no Indian lands are involved. It is believed that the water users can repay in 40 annual installments, following a short development period, \$600,000 toward the construction of the dam, reservoir, and appurtenant works, and the drainage system. It is also believed that \$500,000 of the cost of constructing the dam, reservoir, and appurtenant works will be returned to the United States in revenues from the sale of municipal water supply. Subsidy for flood-control benefits is not recommended as the subsidy provided through the work accomplished by the Work Projects Administration and the Civilian Conservation Corps would appear to be ample recognition by the Federal Government of its generally accepted flood-control obligations. The expenditures by the Department of Agriculture, estimated at \$130,000 from funds appropriated under the act of August 11, 1939, and the amendments thereto, would be repaid in accordance with section 5 of the act as amended.

EXCESS LAND HOLDINGS

The breaking up of large private holdings of irrigable land on the proposed project is, in my opinion, highly desirable for the successful operation of the project. This can be accomplished by the Government obtaining control of large holdings of irrigable land through the Department of Agriculture and by the making of agreements with the owners of irrigable lands for the disposal of holdings in excess of the farm units which are to be established for the project. Such arrangements should, in my opinion, be made before the commencement of actual construction of the major physical features of the project.

FINDINGS, CERTIFICATIONS, AND RECOMMENDATIONS

Based on the foregoing report and other data available to me concerning the proposed project, I make the following findings and certifications:

(1) I find and certify that the proposed project has engineering feasibility;

(2) I find that the estimated cost of the proposed construction is \$2,740,000, exclusive of the cost of participation by the Department of Agriculture, which is estimated at \$170,000;

(3) I find that of the estimated cost of the project \$2,240,000 is properly allocated to irrigation; \$500,000 is properly allocated to the municipal water supply; and that no part of the costs should properly be allocated to power, irrigation of Indian trust and tribal lands, or to flood control;

(4) I find and certify that the water users probably can repay in 40 annual installments construction costs in the amount of \$600,000, in addition to the \$130,000 out of the amount to be

expended on land development which is to be repaid as provided in section 5 of the act of August 11, 1939, as amended;

(5) I find that the estimated costs allocated to the municipal water supply will probably be returned by revenues from the furnishing of water for municipal purposes.

I recommend that you approve the foregoing report and findings and that you find, by your approval of this report, that services, labor, materials, easements, and other property, including moneys for the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration, the Civilian Conservation Corps, or other Federal agencies in the amount found necessary by me to make up the difference between the estimated cost of the project construction and the amount which has been allocated from the Interior Department Appropriation Act of 1940 and will be allocated from appropriations made under the provisions of the act of August 11, 1939, and amendments thereto, subject, however, to the condition that construction of the major physical features of the project shall not be commenced, until arrangements satisfactory to me have been made for the disposal of lands in the project held in one ownership, in excess of the size of a farm unit as determined by me pursuant to the act of August 11, 1939, as amended.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

THE WHITE HOUSE, *October 25, 1940.*

Approved:

FRANKLIN D. ROOSEVELT.

Estimated expenditures Rapid Valley project, South Dakota, Sept. 21, 1940

[Area: 12,000]

	General fund appropriation			Work Projects Administration allocation			Total	
	Agriculture	Interior	Total	Agriculture	Interior	Total	Interior	Total
Administration:								
Approved	\$2,000	\$2,000	\$4,000	0	0	0	\$2,000	\$4,000
Proposed	8,000	25,000	33,000	0	0	0	25,000	33,000
Subtotal	10,000	27,000	37,000	0	0	0	27,000	37,000
Supervisory, clerical, and technical aid:								
Approved	23,000	13,000	36,000	0	\$5,000	\$5,000	18,000	41,000
Proposed	57,000	115,000	172,000	\$3,000	130,000	133,000	245,000	305,000
Subtotal	80,000	128,000	208,000	3,000	135,000	138,000	263,000	346,000
Equipment, materials, supplies, and freight:								
Approved	0	40,000	40,000	0	10,000	10,000	50,000	50,000
Proposed	40,000	755,000	795,000	4,000	155,000	159,000	910,000	954,000
Subtotal	40,000	795,000	835,000	4,000	165,000	169,000	960,000	1,004,000
Land acquisition:								
Approved		0	0				0	0
Proposed		150,000	150,000				150,000	150,000
Subtotal		150,000	150,000				150,000	150,000
Labor for construction and for land development:								
Approved				0	85,000	85,000	0	85,000
Proposed				33,000	1,255,000	1,288,000	33,000	1,288,000
Subtotal				33,000	1,340,000	1,373,000	33,000	1,373,000
Total, approved	25,000	55,000	80,000	0	100,000	100,000	25,000	180,000
Total, proposed	105,000	1,045,000	1,150,000	40,000	1,540,000	1,580,000	145,000	2,730,000
Grand total	130,000	1,100,000	1,230,000	40,000	1,640,000	1,680,000	170,000	2,910,000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration allocation are estimates and not limitations.

In the headings under the various features, "approved" refers to the expenditures to be made through the use of the allotment from the Interior Department Appropriation Act of 1940, "proposed" to the expenditures to be made under the provisions of the act of Aug. 11, 1939, and "subtotal" to the total estimated expenditures.

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, September 10, 1940.

THE HONORABLE SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: One of the projects planned for construction under provisions of the act of August 11, 1939 (53 Stat. 1418), is Rapid Valley in Pennington County, S. Dak. I believe you have prepared a request to the President for allocations to construct this project. You have requested our views regarding this project, and suggestions as to the participation which might be made by the Department of Agriculture in its development and operation.

This project differs from others under this program in that the development will benefit the city of Rapid City as well as agricultural lands, and a considerable portion of the reimbursable costs will be borne by the city. Also, water from the proposed dam, instead of being sold to an irrigation district or directly to settlers, will be sold to several ditch companies now in the area who will in turn distribute the water. In view of this, I understand the Bureau of Reclamation will, in addition to constructing the dam and works, negotiate the sale of water from the reservoir and operate and maintain these works.

The Department of Agriculture proposes to acquire the excess lands, level and prepare them for farming, dig farm ditches and subdivide them into economic units. We shall also be responsible for settlement of the acquired lands, and for management and operation of the irrigation features on the project, and for repayment to the Government of the charges for land development and resettlement. Using field examination of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practical on the basis of estimates prepared by your agency as to the amount of reimbursable funds to be used. It is understood additional nonreimbursable funds will be made available for its construction through the participation of Work Projects Administration.

After completion of construction, a development period of several years will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Your proposal apparently does not include a request for the funds needed for drainage. We think it is essential to provide for drainage.

Our estimates indicate that the Department of Agriculture will require approximately \$130,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$40,000. It is my understanding that these amounts are included in your construction estimates.

Sincerely yours,

PAUL H. APPLEBY,
Acting Secretary.

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., September 27, 1940.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted a copy of a letter requesting the allotment of \$1,150,000 from the 1941 water-conservation appropriation, which amount is in addition to the unrescinded balance of \$80,000 previously authorized from the 1940 water-conservation appropriation for the construction by the Bureau of Reclamation of the Rapid Valley irrigation project in South Dakota. The Secretary states in his letter that the remaining funds in the amount of \$1,680,000 necessary to complete the work, is hoped to be obtained through work accomplished by the Work Projects Administration and the Civilian Conservation Corps.

As is indicated in the Secretary's letter, the time required for the construction of the project will depend largely on the availability of relief labor and of Civilian Conservation Corps camps and may extend to 3 or 4 years.

The Work Projects administrator for South Dakota reports that the average number of relief workers who can be made available for the execution of this project during the current fiscal year is 410. With this limited supply of available relief labor, it is obviously impossible for the Work Projects Administration to complete the contemplated work within a year. Accordingly, it does not appear advisable to approve, at the present time, a project of greater magnitude than can be prosecuted with the available relief labor during the remainder of the current fiscal year. However, this Administration will be glad to give prompt consideration to any application which may be submitted to employ an average of 410 relief workers on the Rapid Valley project when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements of the project during the balance of the current fiscal year.

Respectfully yours,

HOWARD O. HUNTER,
Acting Commissioner.

MIRAGE FLATS PROJECT

Location:

State: Nebraska.

Counties: Dawes and Sheridan.

Project headquarters: Hemingsford.

Transportation: Chicago and Northwestern Railway and U. S.
Highway No. 20.

History:

Finding of feasibility: The Secretary of the Interior, March 30, 1940.

Comment:

Department of Agriculture, September 26, 1939.

Work Projects Administration, February 13, 1940.

Approved: The President, April 26, 1940, under 1940 water conservation appropriation, act of May 10, 1939 (53 Stat. 685).

Construction begins: January 1941.

Period of construction: 48 months.

Water supply:

Source: Niobrara River.

Facilities: Storage dam of 30,000 acre-feet, diversion dam, main canal, distribution system, and farm ditches.

Lands and agriculture:

Area: 12,000 acres where crop losses have been heavy during drought years.

Average farm unit planned: 80 acres.

Principal crops: Hay, grain, potatoes, and similar crops.

Participating agencies:

Bureau of Reclamation, construction of facilities.

Department of Agriculture, land development, settlement, and project operations.

Work Projects Administration and Civilian Conservation Corps, labor.

National Resources Planning Board, planning and coordination.

Settlement (rehabilitation):

Families on project, 150.

Families off project, 120.

Total rehabilitation, 270.

Finances:

Estimated construction cost, \$2,560,000.

Bureau of Reclamation, \$2,200,000.

Department of Agriculture, \$360,000.

Reimbursable, \$985,000.

Nonreimbursable, \$1,575,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 22.

Work Projects Administration, 200.

Civilian Conservation Corps, 400.

Total, 622.

Repayment: Reimbursable amount in 40 annual installments after development period.

Operation and maintenance: Department of Agriculture.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, March 30, 1940.

The PRESIDENT,
The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: The Interior Department Appropriation Act, 1940, contains an item of \$5,000,000, from which allocations may be made by you:

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects, * * * in the Great Plains and arid and semiarid areas of the United States.

All expenditures from the appropriation, and as much of the expenditures from the Work Projects Administration fund as the President determines, are to be considered reimbursable. Hereinafter the appropriation item will be termed the "1940 water conservation appropriation."

The Mirage Flats irrigation project in Dawes and Sheridan Counties, northwestern Nebraska, near the town of Hay Springs, is the type of project that is contemplated to be constructed under the provisions of this item. The project is one of those recommended for construction by the Northern Great Plains Committee in its 1938 report to you, and I concur in this recommendation.

The lands to be irrigated, comprising 12,000 acres, are situated on the north bank of the Niobrara River, about 11 miles south of Hay Springs. The soil is a fertile silty to sandy loam and is capable of furnishing good yields of hay, grain, potatoes, and similar crops. State highways cross the project, and United States Highway No. 20 and the main line of the Chicago & North Western Railroad pass through Hay Springs, thus providing access to markets.

The area has been dry-farmed for a half century, but crop losses have been heavy in the dry years. Irrigation works were partially built by the farmers at one time but failed due to poor construction and lack of storage facilities. A majority of the landholdings is in tracts of 160 acres or less and should not be reduced in area. There are some larger tracts that should be subdivided and this arrangement should be obtained either through a contract with an irrigation district providing for the sale of excess holdings or the large holdings should be purchased and resold in smaller blocks. A plan of development now being contemplated is to furnish irrigation water for approximately one-half of each holding. This would foster the most efficient

use of the limited water supply, result in a combination of irrigated and dry farming well adapted to the locality, and would maintain the fertility of twice the area of a solidly irrigated block.

The plan of irrigation is to construct a diversion dam on the Niobrara River at the upper end of the project, a main canal approximately 15 miles long, and a system of laterals, sublaterals, and farm ditches. An earth and rock fill dam would be built on the river about 9 miles above the diversion dam to provide approximately 30,000 acre-feet of water storage. Construction would also include the necessary rough land leveling.

The estimated cost of construction, including the building of all irrigation structures, rough land leveling, and resettlement costs, is \$2,560,000. The experience of the Bureau of Reclamation on projects which are similarly situated indicates that water users will be able to repay \$985,000 of this amount over a period of 40 years and, in addition, to carry the annual costs for operation and maintenance. This latter sum should be obtained from the 1940 water-conservation appropriation. The remaining amount of \$1,575,000 required to construct the project is expected to be provided by the Work Projects Administration. A tabulation is attached in which is shown a tentative break-down of expenditures from the two funds. The estimate of expenditures from Work Projects Administration funds is based on the experience of the Bureau of Reclamation on construction with relief forces under the legislative provisions in effect prior to fiscal year 1940. The efficiency with which the work can be constructed under the new regulations is unknown. Therefore, the estimate of Work Projects Administration funds required may need revision at some later date.

I recommend that the Bureau of Reclamation undertake the construction of the Mirage Flats project; that appropriate bureaus of the Department of Agriculture conduct the land-development program and the arrangements for settlement, repayment, and project operations; and that the National Resources Planning Board assist in the planning and coordinating field.

I recommend that an allocation of \$985,000 from the 1940 water conservation appropriation be made to the Department of the Interior, Bureau of Reclamation, and that the Work Projects Administration be requested to give earnest consideration to the project applications which will be filed by the Bureau of Reclamation to obtain the remaining \$1,575,000 needed for the construction of the Mirage Flats project.

The Bureau of Reclamation will reimburse the Department of Agriculture and the National Resources Planning Board for all services provided by those two agencies in connection with the construction of the project through transfers or advances from the funds made available to the Bureau of Reclamation. Letters containing the comments of the Department of Agriculture and the Work Projects Administration are enclosed.

It is contemplated that actual construction will not be undertaken until the Department of Agriculture has made sufficient progress in an effort to obtain control of the large holdings, at prices which do not exceed appraised valuations, to insure the successful operation of the project. The time required for the construction of the project

will depend largely on the availability of relief labor and may extend to 3 or 4 years.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Approved:

FRANKLIN D. ROOSEVELT.

APRIL 26, 1940.

Estimated expenditures for Mirage Flats project, Nebraska

[Area: 12,000 acres]

	General fund appropriations			Work Projects Administration allocations			Total		
	Agri- culture	Inter- ior	Total	Agri- culture	Inter- ior	Total	Agri- culture	Inter- ior	Total
Administration.....	\$10,000	\$43,000	\$53,000	\$8,000	\$34,000	\$42,000	\$18,000	\$77,000	\$95,000
Supervisory, technical and clerical aid.....	93,000	79,000	172,000	9,000	63,000	72,000	102,000	142,000	244,000
Equipment materials, supplies and freight....	67,000	587,000	654,000	13,000	128,000	141,000	80,000	715,000	795,000
Land acquisition.....		106,000	106,000					106,000	106,000
Labor for construction and land develop- ment.....				160,000	1,160,000	1,320,000	160,000	1,160,000	1,320,000
Total.....	170,000	815,000	985,000	190,000	1,385,000	1,575,000	360,000	2,200,000	2,560,000

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, September 26, 1939.

The Honorable SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: One of the projects planned for construction under the water conservation and utility projects section of the Interior Department appropriation bill for the fiscal year 1940 is Mirage Flats in Dawes and Sheridan Counties, Nebr. I understand you have prepared a request to the President for allocation to construct this project.

I also understand that the supervision of land development and settlement, and the determination of the type of farming, size of units and management necessary for the efficient operation of the projects and the repayment of reimbursable expenditures made by the Department of Agriculture, plus the actual acquisition of such land interest as may be necessary, and the management of the project upon completion, are to be the responsibilities of the Department of Agriculture. Using field examination of the area and a study of the economic data readily available as a basis for judgment, we are of the opinion that the project is feasible and practical on the basis of estimates prepared by your agency as to the amount of reimbursable funds to be used. It is understood additional nonreimbursable funds will be made available for its construction through the participation of the Work Projects Administration.

It should be agreed, however, that actual construction of the project will not be started until the Department of Agriculture has made

sufficient progress with the acquisition of the necessary land, at prices which do not exceed appraised valuations, to insure the successful operation of the project.

After completion of construction, a development period of several years will be necessary to complete settlement and organize and stabilize production before returns will permit starting repayment of construction costs.

Our estimates indicate that the Department of Agriculture will require approximately \$170,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$190,000.

Sincerely yours,

HARRY L. BROWN, *Acting Secretary.*

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., February 13, 1940.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted to me a copy of a letter requesting the allotment of \$985,000 from the 1940 water conservation appropriation for the construction by the Bureau of Reclamation of the Mirage Flats irrigation project in Nebraska. The Secretary has requested that this Administration participate in the execution of the project in the amount of \$1,575,000 through the furnishing of relief labor and of such materials and equipment as it may be possible to furnish under the provisions of the Emergency Relief Appropriation Act of 1939.

The Work Projects administrator for Nebraska reports that at least 500 certified workers can be made available for the execution of this project during the current fiscal year. With the limited supply of available relief labor, it would be impossible for the Work Projects Administration to complete the contemplated work within a year. Accordingly, it does not appear advisable to approve at the present time a project for the full amount requested from the Work Projects Administration. I should be glad, however, to give prompt consideration to any application which may be submitted to employ approximately 500 relief workers on the Mirage Flats project when the plans and estimates of the Bureau of Reclamation have been developed to the point where a reasonably accurate estimate can be made of the requirements of the project during the current fiscal year.

It is recommended that, if possible, any allotment of Work Projects Administration funds which may be made for the execution of this project during the fiscal year 1940 be taken from the quotas of Federal agency appropriations assigned to the Department of the Interior and the Department of Agriculture respectively for the portions of the project in which the two Departments are interested. If such allocations are not feasible, applications may be submitted for operation within the State Work Projects Administration in Nebraska.

Respectfully yours,

F. C. HARRINGTON, *Commissioner.*

NEWTON PROJECT

Location:

State: Utah.
County: Cache.
Project headquarters: Logan.
Transportation: Highways.

History:

Finding of feasibility: The Secretary of the Interior, October 12, 1940.

Comment:

Department of Agriculture, September 19, 1940.

Work Projects Administration, October 2, 1940.

Approved: The President, October 17, 1940, under act of August 11, 1939 (53 Stat. 1418), as amended October 14, 1940 (Public, 848, 76th Cong., 3d sess.).

Construction begins: Spring of 1941.

Period of construction: 24 months.

Water supply:

Source: Clarkston Creek.

Facilities: Reservoir, 5,200 acre-feet capacity.

Lands and agriculture:

Area: 2,225 acres now irrigated with inadequate supply.

Average farm unit planned: 45 acres.

Principal crops: Sugar beets, vegetables.

Participating agencies:

Bureau of Reclamation, construction of reservoir.

Department of Agriculture, surveys of farm practices, etc.

Work Projects Administration, labor.

Settlement: Farm units, 50.

Finances:

Estimated construction cost, \$618,000.

Bureau of Reclamation, \$595,000.

Department of Agriculture, \$23,000.

Reimbursable, \$358,000.

Nonreimbursable, \$260,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture: 12.

Work Projects Administration, 350.

Total 362.

Repayment: Reimbursable amount in 40 annual installments after period of development.

Operation and maintenance: Bureau of Reclamation.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, October 12, 1940.

The PRESIDENT,
The White House.

(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: In accordance with the requirements of the act of August 11, 1939 (53 Stat. 1418), as amended, I submit this report on the Newton irrigation project in Cache County, Utah, and request your approval of the findings and certifications contained herein.

PROJECT PLAN

The proposed work involves the construction of a reservoir of 5,200 acre-feet capacity on Clarkston Creek to supplement the water supply for 1,660 acres of irrigated land and to provide a full water supply for 565 acres of good, arable land near Newton, Utah. An area near the town of Clarkston, above the reservoir site, also will participate in the project to a minor extent. The lands are all under cultivation and for the most part under ditch, but because of lack of late season water cannot be intensively farmed. Construction of the project will assist greatly in stabilizing the agricultural and economic situation of the area. The principal engineering feature will be an earth-fill dam 109 feet high above the stream bed and 640 feet long on the crest. The water-distribution system has already been constructed.

PARTICIPATION OF FEDERAL AGENCIES

It is proposed that the Bureau of Reclamation will construct the dam, reservoir, and appurtenant works. The present plan, subject to change, is that the Bureau of Reclamation also will operate the dam after it is built and negotiate contracts with the water users for the repayment of construction charges. The Department of Agriculture plans to make a detailed survey of the agricultural pattern of the project to determine the part it can take in the rehabilitation of the area. This will include a study of the present water use and irrigation practices, farm ownership, operating units and tenure agreements, and cropping practices. The Work Projects Administration and the Civilian Conservation Corps are expected to provide most of the labor and a small amount of materials, supplies, and equipment. A report to you from the Work Projects Administration on the extent of its proposed participation is enclosed. The Department of Agriculture has advised that its proposed participation is discussed in a letter to me dated September 19, 1940, and that this letter, a copy of which is enclosed, may be used as its report to you. Until appropriations are made to the Department of Agriculture for its participation, it is planned that allocations from appropriations made under the authority of the act of August 11, 1939 (53 Stat. 1418), will be made to the Bureau of Reclamation and that the Department of Agriculture will be reimbursed for services by the Bureau of Reclamation through transfers or advancement of funds from the allocations.

ESTIMATED COST

The total estimated cost of the project is \$618,000, of which \$223,000 is expected to be obtained from appropriations made and to be made under the authority of the act of August 11, 1939, and the amendments thereto, and \$395,000 through work accomplished by the Work Projects Administration or the Civilian Conservation Corps or both. The construction of works by the Bureau of Reclamation will require \$595,000, and the survey by the Department of Agriculture, \$23,000. Included in this latter sum are funds for the field investigations and surveys as well as any development planning and guidance work which may be found necessary when the project is completed. A tabulation, giving the estimated break-down of expenditures, is attached. If forces from the Civilian Conservation Corps are used, the amount to be expended by the Work Projects Administration and the Civilian Conservation Corps is estimated to be equal to that shown for expenditure by the Work Projects Administration. However, the break-down under the various features would probably not be the same, due to the differences in administrative procedures of the two agencies and the legislation which applies to them. Out of the \$3,500,000 made available by the Interior Department Appropriation Act of 1941, it is estimated that \$150,000 will be needed for work to be accomplished in the fiscal year 1941.

ALLOCATION OF COSTS

The total estimated cost of the proposed construction can be properly allocated to irrigation. The reservoir will have no material influence on the floods and no flood-control allocation is justified. There are no opportunities for profitable power development and no part of the cost should be allocated to power or to municipal or miscellaneous water supplies. Indian lands are not involved. It is believed that the water users can repay in 40 annual installments, following a short development period, the entire allotment from funds made available under the act of August 11, 1939, and the amendments thereto, now estimated at \$215,000, and in addition not to exceed \$135,000 of the funds expended for construction by the Work Projects Administration and the Civilian Conservation Corps. The expenditures by the Department of Agriculture estimated at \$8,000 from the general fund appropriation would be repaid in accordance with section 5 of the act as amended.

FINDINGS, CERTIFICATIONS AND RECOMMENDATIONS

Based on the foregoing report and other data available to me concerning the proposed project, I make the following findings and certifications:

1. I find and certify that the proposed project has engineering feasibility.
2. I find that the estimated cost of the proposed construction is \$595,000, exclusive of the cost of participation by the Department of Agriculture, which is estimated at \$23,000.

3. I find that the entire estimated cost of the project is properly allocated to irrigation; and that no part of the costs can properly be allocated to municipal or miscellaneous water supplies, power, irrigation of Indian trust and tribal lands, or to flood control.

4. I find and certify that the water users probably can repay in 40 annual installments, following a short development period, the entire amount to be expended from moneys appropriated as authorized by the act of August 11, 1939, as amended, estimated at \$215,000, and in addition not to exceed \$135,000 of the funds expended by the Work Projects Administration and the Civilian Conservation Corps.

I recommend that you approve the foregoing report and findings; and I recommend that you find, by your approval of this report that services, labor, materials, easements, and other property, including moneys for the construction of the project should be made available to the Department of the Interior by the Work Projects Administration, the Civilian Conservation Corps, or other Federal agencies in the amount found necessary by me to make up the difference between the estimated cost of the project construction and the amount which will be allocated from appropriations made under the provisions of the act of August 11, 1939, and the amendments thereto.

Sincerely yours,

A. J. WIRTZ,
Acting Secretary of the Interior.

THE WHITE HOUSE, October 17, 1940.

Approved:

FRANKLIN D. ROOSEVELT.

Estimate of expenditures, Newton project, Utah, October 2, 1940

[Area: 2,225 acres]

	General fund appropriation			Work Projects Administration allocation			Total		
	Agri-culture	Inter-ior	Total	Agri-culture	Inter-ior	Total	Agri-culture	Inter-ior	Total
Administration.....	\$2,000	\$6,000	\$8,000	-----	-----	-----	\$2,000	\$6,000	\$8,000
Supervisory, clerical, and technical aid.....	3,000	45,000	48,000	\$2,000	\$50,000	\$52,000	5,000	95,000	100,000
Equipment, materials, supplies, and freight.....	3,000	152,000	155,000	1,000	30,000	31,000	4,000	182,000	186,000
Land acquisition.....	-----	12,000	12,000	-----	-----	-----	-----	12,000	12,000
Labor for construction and land development.....	-----	-----	-----	12,000	300,000	312,000	12,000	300,000	312,000
Total.....	8,000	215,000	223,000	15,000	380,000	395,000	23,000	595,000	618,000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration allocation are estimates and not limitations.

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, September 19, 1940.

The Honorable SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: One of the projects suggested for construction under the act approved August 11, 1940 (53 Stat. 1418), is the Newton project in Cache County, Utah.

I am glad to advise you that the Department of Agriculture is sincerely interested in the proposed development to provide supplemental water for the area concerned.

On the basis of the report of the Bureau of Reclamation "Report on Newton project, June 1940" and a field investigation by one of our representatives, we find that the project is feasible for construction under this act and that the development will be of material aid in rehabilitating the area involved. The reports indicate that approximately 2,225 acres are to be served under the proposed development. The project is thickly populated and will not permit the settlement of additional farm families.

The major problem appears to be to obtain an adequate supply of water, which would become available if the proposed project is constructed.

The Department of Agriculture will make a detailed survey of the agricultural pattern of the project to determine the part it will take in the rehabilitation of the area. Specifically, this will include a study of the present water use and irrigation practices, farm ownership, operating units and tenure agreements, and cropping practices.

Our estimates indicate that the Department of Agriculture will require approximately \$7,500 for its participation in addition to a Work Projects Administration contribution of approximately \$15,000. These funds will be used for the field investigations and surveys and for such development, planning and guidance work as may be found necessary when the project is completed.

Sincerely yours,

PAUL H. APPLEBY,
Acting Secretary.

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., October 2, 1940.

THE PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted a copy of a letter requesting an allotment of \$223,000 from the water conservation appropriations made under the authority of the act of August 11, 1939, for the construction by the Bureau of Reclamation of the Newton irrigation project in Cache County, Utah. The Secretary states in his letter that the remaining funds necessary to complete the work, in the amount of \$395,000, are expected to be obtained by work accomplished by the Work Projects Administration and the Civilian Conservation Corps.

As is indicated in the Secretary's letter, the time required for the construction of the project will depend largely on the availability of relief labor and of Civilian Conservation Corps camps and may extend to 3 or 4 years.

The State work projects administrator reports that approximately 350 certified workers can be made available for the execution of the project during the remainder of the current fiscal year, if work camps are established at the camp site. In view of the time required to complete necessary plans and to inaugurate construction, and in view of the relatively small number of available relief workers, it is obviously impossible for the Work Projects Administrator to complete the contemplated work in the near future. Accordingly, it does not appear advisable to approve at the present time a project of a greater magnitude than can be prosecuted with the available relief labor during the remainder of the fiscal year. However, I shall be glad to give prompt consideration to any application which may be submitted to employ a reasonable average number of relief workers, based on their estimated availability for the Newton project, when the plans and estimates of the Bureau of Reclamation have been developed to a point where a reasonably accurate estimate can be made of the requirements of the project during the balance of the current fiscal year.

Respectfully yours,

HOWARD O. HUNTER,
Acting Commissioner.

MANCOS PROJECT

Location:

State: Colorado.

County: Montezuma.

Project headquarters: (Not established).

Transportation: Rio Grande Southern, highways.

Nearest town: Mancos.

History:

Finding of feasibility: The Secretary of the Interior, October 21, 1940.

Comment:

Department of Agriculture, September 19, 1940.

Work Projects Administration, September 25, 1940.

Approved: The President, October 24, 1940 under act of August 11, 1939 (53 Stat. 1418), as amended October 14, 1940 (Public, 848, 76th Cong., 3d sess.).

Construction begins: Spring of 1941.

Period of construction: 40 months.

Water supply:

Source: West Mancos River.

Facilities: Reservoir, Jackson Gulch, of 10,000 acre-feet capacity.

Lands and agriculture:

Area: 10,000 acres now irrigated with inadequate water supply.

Average farm unit planned: 100 acres.

Principal crops: Forage and grain with diversification possible.

Participating agencies:

Bureau of Reclamation, construction of reservoir.

Department of Agriculture, farm surveys, land adjustment, tenure and tenantry arrangements.

National Park Service, contribution of labor and material through Civilian Conservation Corps camp in exchange for reservation of small storage space in reservoir for Mesa Verde National Park.

Work Projects Administration and Civilian Conservation Corps, labor.

Settlement: Farm units, 100.

Finances:

Estimated construction cost, \$1,600,000.

Bureau of Reclamation, \$1,475,000.

Department of Agriculture, \$125,000.

Reimbursable, \$680,000.

Nonreimbursable, \$920,000.

Employment (during construction):

Bureau of Reclamation and Department of Agriculture, 20.

Work Projects Administration, 150.

Civilian Conservation Corps, 400.

Total, 570.

Repayment: Reimbursable amount in 40 annual installments after period of development.

Operation and maintenance: Bureau of Reclamation.

FINDING OF FEASIBILITY AND APPROVAL

THE SECRETARY OF THE INTERIOR,
Washington, October 21, 1940.

THE PRESIDENT,
The White House.
(Through the Bureau of the Budget.)

MY DEAR MR. PRESIDENT: In accordance with the requirements of the act of August 11, 1939 (53 Stat. 1418), as amended, I submit this report on the Mancos irrigation project in Montezuma County, Colo., and request your approval of the findings and certifications contained herein.

PROJECT PLAN

The proposed work involves the construction of a storage reservoir on Jackson Gulch, about 4 miles north of the town of Mancos, an inlet canal to take water from the West Mancos River and deliver it to the reservoir, and an outlet canal to which water will be released from the reservoir and returned to the river. The diversion and distribution system for the project lands has already been constructed. The dam will be an earth-fill structure, 130 feet high above the stream bed and 1,930 feet long across the crest. The inlet canal will be of 250 second-feet capacity and approximately 3 miles in length. The outlet canal will be of 200 second-feet capacity and less than 3 miles long. The reservoir back of the dam will have a capacity of 10,000 acre-feet.

The project lands, comprising approximately 10,000 acres, are situated in the valley along the Mancos River near the town of Mancos. The Mancos Valley, one of the oldest irrigated sections in western Colorado, has been settled for over 60 years, but many years ago the economic limit of settlement was fixed by the unregulated water supply. At present it is practicable to raise only some grain and forage crops, although the soil and climate are adapted to the growth of many other varieties. The dependable water supply which would be provided by construction of the project would furnish protection from drought and permit more diversified farming, thus stabilizing the agricultural industry in this community.

A new water supply for the Mesa Verde National Park is urgently needed. The present supply, which is from a deep well, is not satisfactory as the water is hot and must be cooled and treated to make it fit for use. The demand for water is constantly increasing and the park is becoming each year more popular. It is now planned to build a pipe line of 150-gallons-per-minute capacity, with an approximate length of 21 miles, to take water from the Jackson Gulch Reservoir to the national park headquarters. Approximately 120 acre-feet of the reservoir storage will be allocated to the Park Service, but the construction of the pipe line is not included as a part of the Mancos irrigation project.

PARTICIPATION OF FEDERAL AGENCIES

It is proposed that the Bureau of Reclamation will construct the dam, reservoir, inlet canal, and outlet canal. The present plan, subject to change, is that the Bureau also will operate the irrigation

works after they are built and negotiate contracts with the water users for the repayment of construction charges. The Department of Agriculture plans to make a detailed study of the agricultural pattern of the project to determine the part it can take in the rehabilitation of the area. It also plans to acquire and develop lands and to take other action which is indicated by the study to assist in accomplishing such adjustments as are shown to be necessary. The National Park Service expects to participate in the construction program by making available a Civilian Conservation Corps camp which would be used on the construction of the dam when suitable conditions permitted, and at other times on the installation of the pipe line. The Work Projects Administration and the Civilian Conservation Corps are expected to provide most of the labor and a relatively small amount of materials, supplies, and equipment. A report to you from the Work Projects Administration on the extent of its proposed participation is enclosed. The Department of Agriculture has advised that its proposed participation is discussed in a letter to me dated September 19, 1940, and that this letter, a copy of which is enclosed, may be used as its report to you. Until appropriations are made to the Department of Agriculture for its participation, it is planned that allocations from appropriations made under the authority of the act of August 11, 1939 (53 Stat. 1418), will be made to the Bureau of Reclamation, and that the Department of Agriculture will be reimbursed for services by the Bureau of Reclamation through transfers or advancement of funds from the allocations.

ESTIMATED COST

The total estimated cost of the project is \$1,600,000, of which \$680,000 is expected to be obtained from appropriations made under the authority of the act of August 11, 1939, and the amendments thereto, and \$920,000 through work accomplished by the Work Projects Administration or the Civilian Conservation Corps, or both. The construction of works by the Bureau of Reclamation is estimated to cost \$1,475,000, of which approximately \$600,000 is expected to be spent on the dam, reservoir, and appurtenant works from appropriations made under the authority of the act of August 11, 1939, and its amendments. The program of the Department of Agriculture is estimated to cost \$125,000. A tabulation giving the estimated breakdown of expenditures is attached. Out of the \$3,500,000 made available by the Interior Department Appropriation Act of 1941, it is estimated that \$200,000 will be needed for work to be accomplished in the fiscal year 1941.

ALLOCATION OF COSTS

The total estimated cost of the proposed construction can be properly allocated to irrigation. The reservoir will have no material influence on floods, and no flood-control allocation is justified. There are no opportunities for profitable power development. Indian lands are not involved. It is believed that the irrigation interests can repay, in 40 annual installments, the entire allotment for construction from funds made available under the act of August 11, 1939, and the amendments thereto, now estimated at \$600,000. The amount of

water to be reserved for the Park Service for use in the Mesa Verde National Park is relatively small, and it is planned that the financial contribution of the National Park Service to the construction of the dam, reservoir, and appurtenant works will be confined to the services, materials, or supplies which that agency may contribute in connection with the Civilian Conservation Corps camp which it shall make available to the project from its allotment of camps. The expenditures by the Department of Agriculture, estimated at \$80,000 from funds appropriated under the act of August 11, 1939, and the amendments thereto, will be repaid in accordance with section 5 of the act, as amended.

FINDINGS, CERTIFICATIONS, AND RECOMMENDATIONS

Based on the foregoing report other data available to me concerning the proposed project, I make the following findings and certifications:

1. I find and certify that the proposed project has engineering feasibility.

2. I find that the estimated cost of the proposed construction is \$1,475,000, exclusive of the cost of participation by the Department of Agriculture, which is estimated at \$125,000.

3. I find that the entire estimated cost of this project properly can be allocated to irrigation; that no part of the estimated cost of the project can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom; and that no part of the estimated cost of the project can properly be allocated to the irrigation of Indian trust and tribal lands, or to flood control.

4. I find and certify that the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4 of the act of August 11, 1939, as amended, is \$600,000, in addition to the moneys out of the amount to be expended on land development and related activities to be repaid as provided in section 5 of the act of August 11, 1939, as amended.

I recommend that you approve the foregoing report and findings; and I recommend that you find, by your approval of this report, that services, labor, materials, easements, and other property, including moneys for the construction of the project should be made available to the Department of the Interior by the Work Projects Administration, the Civilian Conservation Corps, or other Federal agencies in the amount found necessary by me to make up the difference between the estimated cost of the project construction and the amount which will be allocated from appropriations made under the provisions of the act of August 11, 1939, and the amendments thereto.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

THE WHITE HOUSE, *October 24, 1940.*

Approved:

FRANKLIN D. ROOSEVELT.

Estimate of expenditures, Mancos project, Colorado, August 27, 1940

[Area: 10,000 acres]

	General fund appropriation			Work Projects Administra- tion allocation			Civilian Conservation Corps allocation			Totals		
	Agricul- ture	Interior	Total	Agricul- ture	Interior	Total	Agricul- ture	Interior	Total	Agricul- ture	Interior	Total
Administration-----	\$5,000	\$10,000	\$15,000	-----	0	-----	-----	\$5,000	\$5,000	\$5,000	\$15,000	\$20,000
Supervisory, clerical, and technical aid-----	35,000	110,000	145,000	\$6,000	\$25,000	\$31,000	-----	105,000	105,000	41,000	240,000	281,000
Equipment, materials, and freight-----	40,000	360,000	400,000	3,000	12,000	15,000	-----	105,000	105,000	43,000	477,000	520,000
Land acquisition-----	0	10,000	10,000	-----	0	-----	-----	0	0	-----	10,000	10,000
Labor for construction and land development-----	0	95,000	95,000	36,000	123,000	159,000	-----	480,000	480,000	36,000	698,000	734,000
Operation and maintenance during construction-----	0	15,000	15,000	-----	20,000	20,000	-----	0	0	-----	35,000	35,000
Total-----	80,000	600,000	680,000	45,000	180,000	225,000	-----	695,000	695,000	125,000	1,475,000	1,600,000

NOTE.—The indicated expenditures for the several purposes under the general fund appropriation and under the Work Projects Administration and Civilian Conservation Corps allocations are estimates and not limitations.

COMMENT OF DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,
Washington, September 19, 1940.

The honorable, the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: One of the projects suggested for construction under the act approved August 11, 1939 (53 Stat. 1418), is the Mancos project in Montezuma County, Colo. I am glad to advise you that the Department of Agriculture is sincerely interested in the proposed construction of a reservoir and other irrigation works to provide supplemental water for the area concerned.

The reports of the Bureau of Reclamation indicate that the project has engineering feasibility, and our own field investigations show the need for a supplemental water supply if the agriculture of the area is to be rehabilitated. I understand that part of the cost is to be absorbed by other than agricultural interests, and since we are not aware of the costs to be allocated to the various interests, we must assume that the charges to the farmers would be within their ability to repay. It is understood additional nonreimbursable funds will be made available for construction through the participation of the Work Projects Administration.

Construction of this project is recommended with the Department of Agriculture participating as follows:

1. Make a detailed farm and population study looking toward a possible reorganization of the farm units providing additional land for farmers now on inadequate-sized units.

2. Acquire and develop land to assist in accomplishing such adjustments as are shown necessary.

3. In cooperation with the Bureau of Reclamation, assist local people and organizations in reorganization and improvement of water distribution systems.

4. Assist farmers through reorganization of farm management practices, assisting in more effective and efficient tillage and cropping systems, home management, community and social activities. Loans, grants, debt adjustment, and such other financial aid as may be necessary would be provided for the rehabilitation of the area and all needy families located therein.

5. Examine and approve tenure arrangements, adequacy and condition of home and farmstead buildings and other structures, and the condition and ability of land to meet debt and rent payments, and provide a decent living for the tenant families. With approximately 43 percent of the land under this project operated by tenants the need for this service is apparent. It is recommended that delivery of storage water to tenant-operated units be conditional upon this approval. I understand that water will not be delivered for use upon lands of one owner in excess of an adequate sized unit. Excess lands to be eligible for the delivery of water must be sold at not to exceed the Government appraised price; and in the event that the owner of excess lands has a water right which partially satisfies his needs for an adequate-sized unit, he will be delivered only sufficient additional water to fully satisfy his needs upon his specifically designated unit.

After completion of construction, a development period of several years will be necessary to complete unit reorganization and organize and stabilize production before returns will permit repayment of construction costs.

During this period, use and distribution of water should be carefully supervised. The Department of Agriculture will maintain supervision of operations of farm borrowers through its rehabilitation program. Supervision of use and distribution of water can well be consolidated with farm supervision; hence the Department of Agriculture is willing to assume this responsibility.

Our estimates indicate that the Department of Agriculture will require approximately \$80,000 for its participation, in addition to a Work Projects Administration contribution of approximately \$45,000. These funds would be used primarily for field investigations and surveys and planning for the entire project and for land development of not more than 2,000 acres which might be purchased to effect unit reorganizations.

Sincerely yours,

PAUL H. APPLEBY,
Acting Secretary.

COMMENT OF WORK PROJECTS ADMINISTRATION

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., September 25, 1940.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The Secretary of the Interior has transmitted a copy of a letter requesting an allotment of \$745,000 from the 1941 water conservation appropriation and those to be made in the future years, under the authority of the act of August 11, 1939, for the construction by the Bureau of Reclamation of the Mancos irrigation project in Montezuma County, Colo. The Secretary states that the Work Projects Administration and the Civilian Conservation Corps are expected to provide most of the labor and a relatively small amount of material, supplies, and equipment amounting in all to \$835,000 to complete the work.

As is indicated in the Secretary's letter, the time required for the construction of the project will depend largely on the availability of relief labor and of Civilian Conservation Corps camps and may extend to 3 or 4 years.

The Work Projects administrator for Colorado reports that not more than 500 certified workers can be furnished for the project during the remainder of the fiscal year, if work camps are established at the job site.

In view of the time required to complete necessary plans, applications, and organizations prior to inaugurating construction, as well as the factors pertaining to available relief labor, it is obviously impossible for the Work Projects Administration to complete the contemplated work during the current fiscal year. Accordingly, it does not appear advisable to approve at the present time a project of a greater magnitude than can be prosecuted with the available relief labor dur-

ing the remainder of the fiscal year. However, I shall be glad to give prompt consideration to any application which may be submitted to employ a reasonable average number of relief workers, based on their estimated availability for the Mancos project when the plans and estimates of the Bureau of Reclamation have been developed to a point where a reasonably accurate estimate can be made of the requirements of the project during the balance of the current fiscal year.

Respectfully yours,

CORRINGTON GILL,
Acting Commissioner.

PROGRAM OF INVESTIGATIONS

With approximately 50 projects under study or definitely scheduled for investigations as shown by the accompanying list under the water conservation and utilization program, reconnaissances and surveys of a basin-wide character elsewhere are expected to disclose other localities where this type of project is needed to rehabilitate established agricultural areas. Among the basin-wide investigations which are expected to reveal worthy and feasible projects are:

Nebraska: North Republican River.

Kansas: Smoky Hill, Republican, Kansas, and Arkansas Rivers.

Oklahoma: Washita, Upper Red, Cimarron, and Canadian Rivers.

Texas: Upper Brazos, Upper Colorado River of Texas, Pecos River, and Lower Rio Grande.

New Mexico: San Juan River (Colorado River Basin), and Upper Rio Grande River.

The list of proposed projects definitely under study or scheduled for investigation is:

Arizona: Silver Creek, Chevelon.

Colorado: North Republican (Wray), Silt, La Plata, West Divide, Collbran, Huerfano Canyon.

Idaho: Malad Valley, Medicine Lodge, Rathdrum Prairie, Norwood, Council, Cambridge Bench, Mesa Orchards, Lewiston Orchards, Mann Creek.

Montana: Missoula, Missouri River (16 pumping projects), Sweetgrass, Saco Divide.

Nebraska: Cambridge, North Republican River.

Nevada: Fort Mohave.

North Dakota: Knife River, Nesson and Seneschal, Heart River, Williston.

Oklahoma: Kenton, Fort Supply.

Oregon: Canby, Clear Lake, Vale, Beaver Creek, Crooked River.

South Dakota: Angostura.

Texas: Balmorhea.

Utah: Gooseberry, Emery County, Pine Valley, Ash Creek, Moody.

Wyoming: Paintrock, Owl Creek, Lyman, Johnson County, Hickerson, East Canyon, Sheridan.

INSTRUCTIONS OF THE PRESIDENT

THE WHITE HOUSE,
Washington, June 14, 1939.

The honorable, the SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: In order to effectuate the purposes of the appropriation of \$5,000,000 for water conservation and utility projects in the Interior Department Appropriation Act, 1940, about which you wrote me on May 9, I am requesting that the following procedure be adopted by the interested Federal departments and agencies:

1. Allocations from the \$5,000,000 appropriation will be made for projects individually.

2. Recommendations for allocations will be prepared by the Department of the Interior in accordance with the general policies set forth in the report of the Northern Great Plains Committee, dated October 14, 1938, and will include the concurrence or views of the Department of Agriculture and the Works Progress Administration.

3. Each recommendation will include a description of the proposed project, an estimate of the total cost of the completed project, estimates of the work which can be performed by relief labor and of the reimbursable cost, and a statement of the proposed participation of each Federal agency concerned together with the recommended amounts of funds to be allocated to each.

4. The Secretary of the Interior acting through the Bureau of Reclamation will be responsible for the construction of projects, except as may be otherwise recommended.

5. Recommendations will be transmitted to me through the Bureau of the Budget.

6. The National Resources Committee through its Northern Great Plains Committee will continue to coordinate these and related activities as directed in my memorandum of October 19, 1938.

I am forwarding copies of this letter to the chairman of the National Resources Committee, the Secretary of Agriculture, and the Administrator of the Works Progress Administration for their information and guidance.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
Washington, October 17, 1940.

THE HONORABLE SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: In connection with my approval today of the report of Acting Secretary Wirtz, dated October 12, 1940, on the construction of the Newton irrigation project, Utah, I desire that the cooperative arrangement set forth in my letter to you of June 14, 1939, relative to projects under the appropriation of \$5,000,000 for water conservation and utilization projects in the Interior Department Appropriation Act, 1940, be continued during the current fiscal year in the allocation of funds for all projects proposed for construction under the authority of the act of August 11, 1939, as amended by the act of October 14, 1940.

I am forwarding copies of this letter to the Chairman of the National Resources Planning Board, the Secretary of Agriculture, the Commissioner, Work Projects Administration, and the Director of the Bureau of the Budget for their information and guidance.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

LEGISLATION—WATER CONSERVATION AND UTILIZATION PROGRAM

DEPARTMENT OF INTERIOR APPROPRIATION ACT, 1940

(53 Stat. 685)

WATER CONSERVATION AND UTILITY PROJECTS

For construction, in addition to labor and materials to be supplied by the Works Progress Administration, of water conservation and utilization projects, including acquisition of water rights, rights-of-way, and other interests in land, in the Great Plains and arid and semi-arid areas of the United States, to be immediately available, \$5,000,000, to be allocated by the President, in such amounts as he deems necessary, to such Federal departments, establishments, and other agencies as he may designate, and to be reimbursed to the United States by the water users on such projects in not to exceed forty annual installments: *Provided*, That expenditures from Works Progress Administration funds shall be subject to such provisions with respect to reimbursability as the President may determine.

THE CASE-WHEELER ACT

[PUBLIC—No. 398—76TH CONGRESS]

[CHAPTER 717—1ST SESSION]

[S. 1802]

AN ACT Authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to undertake the construction, including acquisition of water rights, rights-of-way, and other interests in land, of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States.

SEC. 2. Any moneys expended on such construction from appropriations made under the authority of this Act shall be repaid to the United States by the water users in not to exceed forty annual installments. Any labor or materials supplied for such construction by the Work Projects Administration, the Civilian Conservation Corps, or any other Federal agency shall be utilized in such manner as the President may determine, and for such labor and materials the water users shall reimburse the United States in such amounts and on such terms as the President may fix for each project.

SEC. 3. No moneys may be expended on a project pursuant to the authority of this Act unless and until (1) the Secretary of the Interior has found, and has certified to the President, that the project has engineering feasibility and that the moneys to be expended on the project from appropriations made under the authority of this Act probably can be repaid by the water users within forty years; and (2) the President has approved said findings and has determined that labor and materials for the construction of the project should be made available to the Department of the Interior by the Work Projects Administration or a similar Federal agency, in the amount found by the Secretary of the Interior to make up the difference, if any, between the estimated cost of construction and the amount which can be expended from appropriations made under this Act and probably can be repaid by the water users: *Provided*, That the Secretary of the Interior may accept for the construction of the project such labor or materials as may be offered by any State or political subdivision thereof, State agency, or municipal corporation, and may reduce by the amount thereof the estimated cost of construction to be met by the expenditure of Federal moneys.

SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the provisions of this Act, including investigations and surveys of projects proposed under the authority of this Act; and, from such sums appropriated or transferred, expenditures may be made for personal services in the District of Columbia and may be made for the same purposes and under the same conditions as included in the appropriation Acts for the departments, establishments, and other agencies to which sums may be made available by appropriation or transfer.

Approved, August 11, 1939.

DEPARTMENT OF INTERIOR APPROPRIATION ACT, 1941

(Public—640—76th Congress—3d Session)

WATER CONSERVATION AND UTILITY PROJECTS

For the construction of water conservation and utilization projects and small reservoirs, including not to exceed \$196,000 for surveys, investigations, and administrative expenses in connection therewith (of which not to exceed \$20,000 shall be available for personal services in the District of Columbia), all as authorized by the Act of August 11, 1939 (53 Stat. 1418), \$3,500,000.

The appropriation of \$5,000,000 contained in the Interior Department Appropriation Act, 1940, is hereby made available until expended and may be expended in the same manner and for the same objects of expenditure as specified hereinbefore in this Act under the headings "Salaries and expenses" and "Administrative provisions and limitations" under the caption "Bureau of Reclamation," but without regard to the limitations therein set forth.

It is hereby declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or

who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands.

THE CASE-WHEELER ACT AS AMENDED OCTOBER 14, 1940

[PUBLIC—No. 848—76TH CONGRESS]

[CHAPTER 861—3D SESSION]

[H. R. 10122]

AN ACT To amend an Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), and an Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (50 Stat. 869).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), is hereby amended to read as follows:

"SECTION 1. For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this Act, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this Act: *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (l) to meet reimbursable construction costs allocated to irrigation as defined in section 4 (b) shall not exceed \$1,000,000 for dams and reservoirs in any one project.

"SEC. 2. In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this Act, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under subsection 3 (a) (iv); and (2) such services, labor, materials, easements, or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other

organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this Act. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

"SEC. 3. (a) No construction of a project may be undertaken pursuant to the authority of this Act unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

- "(i) the engineering feasibility of the proposed construction;
- "(ii) the estimated cost of the proposed construction;
- "(iii) the part of the estimated cost which properly can be allocated to irrigation;
- "(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4;
- "(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;
- "(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;
- "(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Chief of Engineers, War Department.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 5 and 6; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this Act if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 4, an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 12 (1); and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 12 (1), together with (ii) such services, materials, money, easements, and

other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 2.

“(b) No actual construction of the physical features of a project, which meets the requirements of subsection (a) shall be undertaken unless and until (1) rights-of-way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the project works have been secured, with titles or easements and at prices satisfactory to the Secretary; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

“SEC. 4. (a) No water for irrigation may be delivered from the works of any project constructed under the authority of this Act until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users' organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual land-owners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this Act and to protect the interests of the United States.

“(b) The term ‘reimbursable construction costs’ as used in this Act means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 12 (1), plus such amounts as the President, under section 2 (1), may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation, construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

“(c) The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

“(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary's judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secre-

tary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

"(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

"(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c) (1): *Provided*, That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

"(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c) (1), or in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

"(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the

water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

"SEC. 5. (a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy, and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is hereby authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and, insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

"(b) For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

"SEC. 6. The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this Act; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 4, and shall handle the collections of repayments and shall take over the other administrative duties connected with the project, after the Secretary of the Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 4, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 5 (a); and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 4 and any land contract with the same water user or organization entered into pursuant to section 5 (a), if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is hereby authorized to carry out the provision of any such cooperative agreements.

"SEC. 7. On any one project undertaken pursuant to the Act of August 28, 1937, entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes" (50 Stat. 869), as amended and supplemented, expenditures for the construction, maintenance, operation, rehabilitation or financial assistance of any one project, shall not exceed \$50,000 of Federal funds, whether appropriated or allotted or both. All project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project within the meaning of this section.

"SEC. 8. All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 4 (c) (1), excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 4 (c) (2) shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.

"SEC. 9. In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed \$500,000 for any one project: *Provided further*, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4. All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof.

"SEC. 10. (a) In connection with any project constructed pursuant to the provisions of this Act, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 5 as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

"(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this Act, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

"SEC. 11. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to perform any and all acts and to

make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this Act and for the purpose of carrying the provisions of this Act into full force and effect.

"SEC. 12. To carry out the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this Act, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this Act."

Approved, October 14, 1940.



The clerk will proceed to state the first business on the calendar, beginning with calendar 1093, under the unanimous consent agreement.

J. G. FOX

The bill (H. R. 3032) for the relief of J. G. Fox was considered, ordered to a third reading, read the third time, and passed.

JOHN E. NEWMAN

The bill (H. R. 3697) for the relief of John E. Newman, was considered, ordered to a third reading, read the third time, and passed.

LONNIE BALES

The bill (H. R. 3829) for the relief of Lonnie Bales was considered, ordered to a third reading, read the third time, and passed.

JOHN J. JENKINS

The bill (H. R. 4019) for the relief of John J. Jenkins was considered, ordered to a third reading, read the third time, and passed.

MRS. WILLIE M. MAYE

The Senate proceeded to consider the bill (H. R. 3761) for the relief of Mrs. Willie M. Maye, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$5,444" and insert "\$544."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 4063) conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders was announced as next in order.

Mr. DANAHER. Mr. President, may we have an explanation of the bill? I should like to know particularly whether there has ever been established a precedent to the effect that the Government would be liable for the failure of an inspector in the Bureau of Animal Industry to detect some disease, as a result of which failure, in the case covered by the bill, the particular 150 head of cattle involved became infected with ticks, thus giving rise to the alleged claim. If there is some precedent for it, I should like to know; that is the purpose of my inquiry.

The PRESIDING OFFICER. The Senator in charge of the bill does not appear to be on the floor.

Mr. DANAHER. Then, Mr. President, in the absence of an explanation, I should prefer to have the bill passed over.

The PRESIDING OFFICER. The bill will be passed over.

FRANK SHEPPARD

The Senate proceeded to consider the bill (S. 2220) for the relief of Frank Sheppard, which had been reported from the Committee on Claims with amendments, on page 1, lines 5 and 6, after the word "Treasury", to strike out "allocated by the President for the maintenance and operation of the Work Projects Adminis-

tration" and to insert "not otherwise appropriated"; in line 8, after the words "sum of", to strike out "\$1,500" and insert "\$300"; in line 10, after the words "account of", to strike out the word "permanent"; and on page 2, in line 3, after the word "blast", to strike out "carelessly, negligently, and without warning set off by Work Projects Administration workmen, employees of the Government then and there engaged in repair work upon the public streets of said town" and insert "set off by employees of the Work Projects Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Sheppard, of Lewisburg, W. Va., the sum of \$300, in full settlement of all claims against the United States for damages sustained by the said Frank Sheppard on account of personal injuries suffered by him on August 24, 1939, when, while sitting on the front porch of his home at the town of Lewisburg, W. Va., he was struck by a heavy stone thrown by a blast set off by employees of the Work Projects Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. M. SHERROD AND DAISY MIMMS

The bill (H. R. 1755) for the relief of C. M. Sherrod and Daisy Mimms, administratrix of the estate of Arthur Mimms, was considered, ordered to a third reading, read the third time, and passed.

RUTH STEWARD, ADMINISTRATRIX OF ESTATE OF LUTHER F. STEWARD

The bill (H. R. 2460) for the relief of Ruth Steward, administratrix of the estate of Luther F. Steward, was considered, ordered to a third reading, read the third time, and passed.

BESSIE PEARLMAN AND GEORGE ROTH

The bill (H. R. 3433) for the relief of Bessie Pearlman and George Roth was considered, ordered to a third reading, read the third time, and passed.

MRS. NOEL WRIGHT AND BUNNY WRIGHT

The bill (H. R. 5573) for the relief of Mrs. Noel Wright and Bunny Wright was considered, ordered to a third reading, read the third time, and passed.

MRS. EDDIE A. SCHNEIDER

The Senate proceeded to consider the bill (H. R. 5290) for the relief of Mrs. Eddie A. Schneider, which had been reported from the Committee on Claims, with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$10,000" and insert "\$5,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BIBIANO L. MEER

The bill (S. 2175) for the relief of Bibiano L. Meer was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of or otherwise to relieve Bibiano L. Meer, collector of internal revenue, Manila, P. I., for the value of certain series 108, class C, cigar 500's internal-revenue stamps amounting to \$250, which were charged to the collector of internal revenue at Manila and which for some unknown reason were not delivered to him or disappeared from his office, or for which because of an error in labeling he was not allowed credit upon their return to the Stamp Section, Accounts and Collections Unit, United States Bureau of Internal Revenue.

JOHN SNURE, JR.

The Senate proceeded to consider the bill (S. 1766) for the relief of John Snure, Jr., which had been reported from the Committee on Claims, with amendments, on page 1, in line 5, after the words "sum of", to strike out "\$399.99" and insert "\$382.21"; and, in line 10, after "October," to strike out "14", and insert "13", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Snure, Jr., the sum of \$382.21, in full satisfaction of his claim against the United States for compensation for services rendered by him in the service of the Joint Army and Navy Selective Service Committee, and in the service of the Selective Service System, during the period from September 1 to October 13, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD BOVE

The bill (H. R. 691) for the relief of Richard Bove was considered, ordered to a third reading, read the third time, and passed.

G. F. BROWN

The bill (H. R. 2428) for the relief of G. F. Brown was considered, ordered to a third reading, read the third time, and passed.

MINNIE C. SANDERS

The bill (H. R. 3610) for the relief of Minnie C. Sanders was considered, ordered to a third reading, read the third time, and passed.

ANDREW WICHMANN

The bill (H. R. 4414) for the relief of Andrew Wichmann was considered, ordered to a third reading, read the third time, and passed.

BELLA COSGROVE

The Senate proceeded to consider the bill (H. R. 4355) for the relief of Bella Cosgrove, which had been reported from the Committee on Claims, with an amendment, to strike out all after the enacting clause, and to insert:

That jurisdiction be, and it is hereby, conferred upon the United States District Court for the Southern District of New York to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of Bella Cosgrove, of New York City, N. Y., for damages resulting from personal injuries received by her on May 6, 1940, by reason of the negligence of the Work Projects Administration at the roadway of the intersection of One Hundred and Sixth Street and Central Park West, in the city of New York: *Provided*, That the judgment, if any, shall not exceed \$5,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act conferring jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon the claim of Bella Cosgrove."

JEAN N. BURTON AND LAURA JONES

The bill (H. R. 2718) for the relief of Jean N. Burton and Laura Jones was considered, ordered to a third reading, read the third time, and passed.

WILLIAM H. EVENS

The bill (H. R. 2908) for the relief of William H. Evens was considered, ordered to a third reading, read the third time, and passed.

THELMA CARRINGER AND OTHERS

The bill (H. R. 4010) for the relief of Thelma Carringer and others was considered, ordered to a third reading, read the third time, and passed.

CATHERINE WARD

The bill (H. R. 794) for the relief of Catherine Ward was considered, ordered to a third reading, read the third time, and passed.

BUILDERS SPECIALTIES CO.

The bill (H. R. 5865) for the relief of Builders Specialties Co. was considered, ordered to a third reading, read the third time, and passed.

TITLE TO LAND IN DEARBORN, MICH.

The bill (H. R. 1060) to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich., was con-

sidered, ordered to a third reading, read the third time, and passed.

WATER CONSERVATION AND UTILIZATION PROJECTS IN GREAT PLAINS AND ARID AND SEMIARID AREAS

The bill (S. 1441) to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119), was announced as next in order.

Mr. NORRIS. Mr. President, the House has passed a bill (H. R. 4648), which deals with the same subject, and which is identical with the Senate bill if the amendment to the Senate bill were to be agreed to. Unfortunately, the House bill is not on the calendar. It has been referred to the Committee on Irrigation and Reclamation, and I think there has been no meeting of the committee since the reference was made. Of course, the House bill is the one which should be passed.

Therefore, I ask unanimous consent that the Committee on Irrigation and Reclamation be discharged from further consideration of House bill 4648, so that the Senate may consider the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the Committee on Irrigation and Reclamation is discharged from the further consideration of House bill 4648.

Mr. NORRIS. I now ask that the House bill be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4648) to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the act of October 14, 1940 (54 Stat. 1119), which was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1441 will be indefinitely postponed.

Mr. MILLIKIN. Mr. President, I should like to have an explanation of the bill which was just passed.

Mr. NORRIS. The bill provides for a slight amendment of the Jones-Wheeler Act providing for construction of contemplated projects in the Great Plains and arid and semiarid areas of the United States. Passage of the bill is recommended by the Bureau of Reclamation. So far as I know, thus far, there has been no objection to the bill. It passed the House by unanimous vote, and was unanimously reported by the Senate committee.

Have I sufficiently explained the bill to the Senator?

Mr. MILLIKIN. Yes. I thank the Senator for his explanation.

STAFF DEPARTMENTS OF MARINE CORPS

The Senate proceeded to consider the bill (S. 2229) to provide for the retirement, rank, and pay of heads of staff departments of the Marine Corps, which had been reported from the Committee on Naval Affairs with an amendment, on page 2, line 6, after the word "pay", to insert "or allowances", so as to make the bill read:

Be it enacted, etc., That any officer of the Marine Corps who may be retired while serving as head of a staff department of the Marine Corps, or who has served or shall have served 2½ years or more as head of a staff department of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such head of a staff department of the Marine Corps: *Provided*, That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further*, That no increase provided herein in retired pay or allowances shall be held to have accrued prior to the passage of this act.

Mr. WALSH. Mr. President, the bill involves no additional expense to the Government. It simply places the heads of staff departments of the Marine Corps on the same basis as the heads of staff departments of the Navy in reference to retirement, rank, and pay.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF SUBWAYS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the joint resolution (H. J. Res. 248) to direct the Commissioners of the District of Columbia and the Public Utilities Commission to make an investigation and survey to determine the feasibility of the construction of subways in the District of Columbia for both streetcars and vehicular traffic, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, in line 3, after the word "Columbia," to strike out "and the Public Utilities Commission"; in line 4, after the word "authorized" to insert "and directed"; in line 8, after the name "Columbia", to strike out the words "and the Utilities Commission"; on page 2, in line 4, after the name "Columbia", to strike out "and the Utilities Commission"; and in line 6, after the word "than" to strike out "March 15, 1942", and insert "one hundred and twenty days after the enactment of this act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution to direct the Commissioners of the District of Columbia to

1525.7



[PUBLIC LAW 488—77TH CONGRESS]

[CHAPTER 164—2D SESSION]

[H. R. 4648]

AN ACT

To amend the Act of August 11, 1939 (53 Stat. 1418), entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), as amended by the Act of October 14, 1940 (54 Stat. 1119), is hereby amended so as to strike out the period at the end of the section, adding a comma, and the following language: "and that expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to flood control by the Secretary after consultation with the Chief of Engineers, War Department, shall not exceed \$500,000 on any one project."

Approved, March 7, 1942.

